

R E P O R T

FROM THE

SELECT COMMITTEE

ON

IRISH LAND ACT, 1870;

TOGETHER WITH THE

PROCEEDINGS OF THE COMMITTEE,

MINUTES OF EVIDENCE,

AND APPENDIX.

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*Ordered, by The House of Commons, to be Printed,  
27 June 1878.*

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*Ordered*,—[*Thursday, 24th January 1878*]:—THAT a Select Committee be appointed to inquire into the working and results of the 44th, 45th, and 47th "Classes of the Irish Land Act, 1870," and to Report whether any further facilities should be given for Promoting the Purchase of Land by Occupying Tenants.

*Ordered*,—[*Thursday, 7th February 1878*]:—THAT the Committee do consist of Nineteen Members.

Committee nominated of—

Mr. Plunket.	Mr. Chaine.
Mr. John Bright.	Mr. Errington.
Mr. Heygate.	Vicecount Crichton.
Mr. Bruce.	The O'Connor Don.
Mr. Law.	Mr. Verner.
Mr. Wilson.	Mr. Richard Smyth.
Mr. Downing.	Sir Joseph McKenna.
Mr. Plunkett.	Sir John Lubbock.
Sir Walter Bartleet.	Mr. Shaw Lefevre.
Major Nelson.	

THAT the Committee have power to send for Persons, Papers, and Records.

THAT Five be the Quorum of the Committee.

*Ordered*,—[*Tuesday, 19th February 1878*]:—THAT Mr. Downing be discharged from further attendance on the Committee.

THAT Mr. Meldon be added to the Committee.

*Ordered*,—[*Thursday, 23rd February 1878*]:—THAT the Committee do consist of Twenty-one Members.

THAT Colonel Taylor and Mr. Fay be added to the Committee.

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# R E P O R T.

THE SELECT COMMITTEE appointed to inquire into the Working and Results of the 44th, 45th, and 47th "Clauses of the IRISH LAND ACT, 1870," and to Report whether any further Facilities should be given for Promoting the PURCHASE OF LAND by OCCUPYING TENANTS;—HAVE considered the matters to them referred, and have agreed to the following REPORT:—

By Order of Reference of the 1st May 1877, your Committee were directed "to inquire into the working and results of the 44th, 45th, and 47th Clauses of the Irish Land Act, 1870, and to report whether any further facilities should be given for promoting the purchase of land by occupying tenants." Your Committee have accordingly taken evidence during the latter part of last Session and during the current Session, and this evidence has been laid before your honourable House. Having carefully considered this evidence, your Committee are of opinion that it is very desirable that further facilities should be given for the purchase by tenants of the fee-simple of their holdings. Your Committee find that, when estates are offered for sale, there is a general desire on the part of the tenantry to become absolute owners of their farms; and they believe that a substantial increase in this way, in the number of small proprietors, would give stability to the social system, and would tend to spread contentment, and promote industry and thrift amongst the Irish peasantry.

That, from the passing of the Land Act, 1870, to the close of the year 1877, 710 tenants availed themselves of the provisions of the Act, and purchased their holdings in the Landed Estates Court. The gross purchase-money of such sales was 718,304 *l.* 17 *s.* The area of the holdings so bought was—

Under 10 acres - - - - -	105
10 and under 15 acres - - - - -	61
15 and under 20 acres - - - - -	64
20 and under 30 acres - - - - -	100
30 and under 50 acres - - - - -	137
50 and under 100 acres - - - - -	137
100 acres and upwards - - - - -	106
	<hr/>
	710

That only 19 of such sales were effected under the second part of the Land Act.

That, by the 3rd section of the 1st clause of the Landlord and Tenant Amendment Act, 1873, the Board of Works were authorised to advance money to tenant-purchasers in cases where the sales were not had in the Landed Estates Court.

That 35,010 *l.* has been so advanced to 46 of the 710 tenant purchasers above mentioned.

That by the 54th Section of the Land Act, 1870, the Treasury were authorised to advance for the purposes of the Act a sum not exceeding 1,000,000 *l.*

That up to 31 March 1878, the total amount of such advances was 416,802 *l.*, and it is estimated that there is still a sum of about 583,198 *l.* available for the purposes of the Act.

That it appears from the evidence laid before your Committee that the purchase-money, or value of the estates, of all interests and tenures sold in the Landed Estates Court in each year may be estimated at about 1,200,000 *l*.

That the value of the portion of such estates upon which if sold to occupying tenants the Board of Works are authorised to make advances, may be estimated at 800,000 *l*. That this estimate includes Demesne Lands, and lands in the occupation of owners.

That a large proportion of the estates offered for sale in the Landed Estates Court are held under fee-farm grants and leases for long terms.

That the apportionment of the rents reserved by these grants and leases, and the conditions of sale as to indemnities consequent thereon, have increased the inconvenience and expense of dividing such estates into small lots.

That many estates are subject to annuities and jointures, and the effect of the charging orders in respect of loans to tenants is to displace the priority of such annuities, and, in the case of sale or forfeiture, to destroy them. Obstacles have arisen in the making of advances to tenants upon such estates, inasmuch as these advances in some cases prejudice the security of such annuities.

That the existing state of the law in respect of rights of turbary and pasturage, rights of way, and other easements affecting estates sold in the Landed Estates Court, has enhanced the expense of carrying out sales to tenants in that Court.

That the cost of investigating the titles of estates, both of landlord and tenant, and the impediments to the application of the purchase-money in the cases of settled estates, or estates subject to incumbrances, have seriously impeded the working of the second part of the Act.

That on some estates the tenants hold their farms in Randle and in detached plots, and in such cases the difficulties in lotting have been much increased.

That your Committee have no doubt that many tenants have failed to make use of the advantages offered them by the Act for want of information as to the terms upon, and the amounts for which loans could be obtained by them, and that the strictness of the prescribed conditions, especially the clauses against alienation and mortgage, have prevented others from endeavouring to acquire the fee-simple of their holdings.

That for the purpose of effectually promoting the purchase of land by occupying tenants, your Committee are of opinion that, with respect to the sale of estates by the Land Judges of the High Court of Justice, and lands are usually thus sold in Ireland, some provision must be made to meet what the evidence shows to be the fundamental difficulty of the present system; that is to say, the difficulty, if not impossibility (save in rare instances), of forming the lands into lots to suit the tenant-purchasers, and at the same time paying due regard to the interests of those whose property is being sold through the Court. So long as these practically inconsistent duties continue to be imposed on one and the same functionary, your Committee believe that no substantial results can reasonably be expected from the clauses of the Irish Land Act to which their inquiry has been directed. They, therefore, think that whilst leaving to one body the function of selling to the best advantage such estates as may be offered for sale, another distinct and equally independent body should be constituted, specially charged with the duty of superintending and facilitating the purchase of their several farms by the occupying tenants. Your Committee accordingly beg to recommend that some properly constituted body should be entrusted with sufficient funds to enable them to purchase suitable estates, or parts of estates, when offered for sale, with the view of afterwards selling to as many of the tenants as, with the aid of advances through the Board of Works, may be able and willing to buy; and disposing of the residues (if any) at such times and in such manner as they may think will be most productive.

Your Committee are of opinion that the body thus constituted should put themselves into communication with the tenants of properties offered for sale in the Landed Estates Court, should explain to them the facilities offered by the Act, should represent their interests before the Court in the lotting of properties or otherwise, and should only purchase and resell properties in lots as aforesaid when satisfied that such a proportion of the tenants are prepared to buy as will prevent any loss to the funds at their disposal.

Yours



Your Committee have been informed that a Commission, lately appointed to inquire into the administration of the Board of Works, have suggested important reforms in that office, and they would suggest that if Parliament should adopt the proposals contained in the foregoing paragraphs, the Board of Works might be re-constituted so as to enable it to discharge, among its other duties, those above indicated.

That your Committee beg to suggest the following amendments in the provisions and administration of the law upon this subject.

That the provisions of the 30th Section of the Land Act, 1870, as to rights of common, rights of way, and other easements, should be extended to all conveyances made to tenant purchasers.

That the rights of annuitants and jointresses upon estates sold to tenants should not be affected by the charging order, and that all advances made to tenant purchasers should be payable to any annuities or jointures subject to which the lands may have been sold.

That the restrictions against alienations and assignments during the continuance of the loan should be repealed, but that the restrictions against subdivision and subletting should be rigorously maintained.

Your Committee are of opinion that, as a general rule, unless in the case of an exceptionally high rate of purchase being given by the tenant, four-fifths of the purchase-money might be advanced by the Board.

Your Committee recommend that the benefits of the 47th Clause of the Act of 1870 should be extended to cases in which the tenants representing only one-half the value of each lot comprising more than a limited number of holdings on any estate are willing to purchase, and that these provisions should be applicable to sales under Part III. of the Act.

That in the cases of sales in the Landed Estates Court, the land judges should have the power of sanctioning perpetuity grants by owners, including limited owners, to their tenants, and that for the purchase of the interest to be acquired by the tenant under such grant, the Board of Works might make advances, to be secured as a first charge upon the lands.

That while it is desirable that there should be no severance of the ownership and occupancy of the holdings purchased with the aid of the public funds, it would facilitate the working of the second part of the Land Act if the conveyance under it, as in all other cases under the Landed Estates Act, were made subject to the subsisting lease to the tenant.

Your Committee are of opinion that it is not desirable that advances should be made to tenants holding in Rundale, or to tenants holding in detached plots, except in special cases, but that upon the sale of estates so held such holdings should, upon the application of such tenants, and for the purpose of carrying out a sale to them, be re-arranged and distributed amongst them.

That portions of many of the estates offered for sale comprise large tracts of bog and unreclaimed land, upon which tenants have, as appurtenant to their holdings, rights of turbary. That in some cases these bogs have been sold and conveyed to tenant purchasers in undivided shares. Your Committee are of opinion that, while preserving to the tenants any rights of turbary heretofore enjoyed by them, it would be more beneficial that these tracts of unreclaimed land should be sold in their entirety, and thus facilities would be given for the gradual reclamation of such land and the redivision of it amongst the adjoining tenant purchasers.

Evidence has been add before your Committee in reference to the lessening of the costs of the transfer of land generally in Ireland, and they consider that a change in this direction is desirable, as favouring the purchase of land by occupying tenants.

27 June 1878.

# PROCEEDINGS OF THE COMMITTEE.

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*Friday, 15th February 1878.*

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## MEMBERS PRESENT:

Major Nolan.	Mr. Errington.
Mr. Shaw Lefevre.	Sir Walter Barttelot.
Mr. Plunkett.	Sir John Leslie.
Mr. Heygate.	Mr. Bruen.
The O'Connor Don.	Mr. Richard Smyth.
Mr. Plunkett.	

Mr. SHAW LEFEVRE was called to the Chair.

The Committee deliberated.

[Adjourned till Tuesday, the 26th instant, at Twelve o'clock.

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*Tuesday, 26th February 1878.*

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## MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Sir Walter Barttelot.	Viscount Crichton.
Mr. Plunkett.	Mr. Bruen.
Mr. Plunkett.	Mr. Verrier.
Mr. Heygate.	Sir Joseph McKenna.
Sir John Leslie.	Mr. John Bright.

The Committee deliberated.

*Resolved*, That it is desirable, so far as possible, the witnesses should be called in such order that Judge Flanagan should be the last witness—(Mr. David Plunkett).

Mr. John Edward Verrier was examined.

[Adjourned till Thursday next, at Twelve o'clock.

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*Thursday, 28th February 1878.*

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## MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Sir Joseph McKenna.	Mr. Chaine.
Mr. Heygate.	Sir Walter Barttelot.
Mr. Plunkett.	Mr. Verrier.
Mr. Plunkett.	Major Nolan.
Sir John Leslie.	

Mr. Murreugh O'Brien was examined.

[Adjourned till Monday next, at Twelve o'clock.

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*Monday, 4th March 1878.*

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Heygate.  
Sir John Leslie.  
Major Nolan.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Vernon.

Mr. Chaine.  
Colonel Taylor.  
Sir Joseph M'Keena.  
Viscount Crickton.  
Sir Walter Barttelot.

Mr. *Murrough O'Brien* was further examined.

Sir *Frederick William Heygate, Bart.*, was examined.

[Adjourned till Thursday next, at Twelve o'clock.

*Thursday, 7th March 1878.*

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Heygate.  
Sir John Leslie.  
Mr. Plunket.  
Mr. Bruen.  
Major Nolan.

Sir Walter Barttelot.  
Mr. Meldon.  
Mr. Vernon.  
Sir Joseph M'Keena.  
Colonel Taylor.

Sir *Frederick William Heygate, Bart.*, was further examined.

[Adjourned till Monday next, at Twelve o'clock.

*Monday, 11th March 1878.*

MEMBERS PRESENT :

Mr. SHAW LEFEVRE in the Chair.

Mr. Errington.  
Mr. Plunket.  
Mr. Bruen.  
Sir John Leslie.  
Mr. Heygate.

Mr. Meldon.  
Mr. Vernon.  
Major Nolan.  
Colonel Taylor.  
Sir Walter Barttelot.

Mr. *James M'Donnell* and Mr. *J. S. Stead* were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.

*Thursday, 14th March 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Mr. Plunket.  
Mr. Heygate.  
Sir John Leslie.  
Mr. Meldon.  
Mr. Verner.

Mr. Bruen.  
Colonel Taylor.  
Mr. Plunkett.  
Sir Walter Barttelot.  
Major Nolan.

Mr. J. S. Stock was further examined.

Mr. W. D. Henderson, and Sir William Henry Gregory were severally examined.

[Adjourned till Monday next, at Twelve o'clock.

*Monday, 18th March 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Sir John Leslie.  
Mr. Plunket.  
Mr. Bruen.  
Mr. Verner.  
Colonel Taylor.

Major Nolan.  
Mr. Meldon.  
Sir Joseph McKenna.  
Sir Walter Barttelot.

Mr. W. D. Henderson was further examined.

Mr. John O'Hagan, Q.C., was examined.

[Adjourned till Thursday next, at Twelve o'clock.

*Thursday, 21st March 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Sir Joseph McKenna.  
Mr. Meldon.  
Major Nolan.  
Sir John Leslie.  
Mr. Plunket.

Mr. Bruen.  
Mr. Fay.  
Mr. Verner.  
Colonel Taylor.  
Sir Walter Barttelot.

Major Gustavus Daltus and Mr. Dring Ullis were severally examined.

[Adjourned till Monday next, at One o'clock.

*Monday, 25th March 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

The O'Connor Don.  
Mr. Errington.  
Mr. Plunket.  
Mr. Fay.  
Mr. Bruen.  
Mr. Verner.

Mr. Wilson.  
Sir John Leslie.  
Sir Joseph McKenna.  
Sir Walter Barttelot.  
Major Nolan.

Mr. *Beane Jones* was examined.

[Adjourned till Thursday next, at Twelve o'clock.]

*Thursday, 28th March 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

The O'Connor Don.  
Mr. Heygate.  
Sir John Leslie.  
Mr. Bruen.  
Mr. Plunket.  
Major Nolan.

Sir Joseph McKenna.  
Mr. Verner.  
Mr. Fay.  
Mr. Wilson.  
Sir Walter Barttelot.  
Mr. Errington.

Mr. *Bull Green*, Mr. *Wylwreath Olphert*, and Mr. *Andrew Dwyer*, were severally examined.

[Adjourned till Thursday next, at Twelve o'clock.]

*Thursday, 4th April 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFEVRE in the Chair.

Viscount Crichton.  
Mr. Heygate.  
Mr. Errington.  
Sir John Leslie.  
Major Nolan.  
Mr. Plunket.  
Mr. Wilson.

The O'Connor Don.  
Mr. Chaine.  
Mr. Plunkett.  
Mr. Bruen.  
Mr. Verner.  
Mr. Melton.  
Colonel Taylor.

Mr. *John Edward Vernon* was re-called, and further examined.

Professor *Balchais* was examined.

Mr. *Murrough O'Brien* was re-called, and further examined.

[Adjourned till Monday next, at Two o'clock.]

*Monday, 8th April 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFÈVRE in the Chair.

Mr. Plunkett.  
Viscount Crichton.  
The O'Connor Don.  
Mr. Brown.  
Mr. Verner.  
Mr. Errington.  
Sir Joseph McKenna.

Mr. Wilson.  
Major Nolan.  
Sir John Leslie.  
Mr. Chalmers.  
Mr. Meldrum.  
Colonel Taylor.  
Sir Walter Barttelot.

Mr. Marrowagh O'Brien was further examined.

[Adjourned till Thursday next, at Twelve o'clock.

*Thursday, 11th April 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFÈVRE in the Chair.

Major Nolan.  
Mr. Plunkett.  
Mr. Heygate.  
The O'Connor Don.  
Mr. Fay.  
Sir Joseph McKenna.  
Mr. Wilson.

Mr. Chalmers.  
Mr. Verner.  
Mr. Meldrum.  
Colonel Taylor.  
Mr. Brown.  
Mr. Errington.

Dr. Traill and Mr. Hussey were severally examined.

Sir Frederick William Heygate, Bart., was recalled, and further examined.

Mr. Matthew Harris was examined.

[Adjourned till Thursday, 23rd May, at One o'clock.

*Thursday, 23rd May 1878.*

MEMBERS PRESENT:

Mr. SHAW LEFÈVRE in the Chair.

Mr. Law.  
Major Nolan.  
Mr. Errington.  
The O'Connor Don.  
Sir Walter Barttelot.  
Mr. Meldrum.  
Sir Joseph McKenna.

Mr. Brown.  
Sir John Leslie.  
Mr. Wilson.  
Colonel Taylor.  
Mr. Chalmers.  
Mr. Plunkett.  
Mr. Plunkett.

The Right Hon. S. W. Flanagan was examined.

[Adjourned till Monday next, at Twelve o'clock.

*Monday, 27th May 1878.*

## MEMBERS PRESENT:

Mr. SHAW LEEVEY in the Chair.

Sir Walter Barttelot.  
The O'Connor Den.  
Mr. Heygate.  
Mr. Richard Smyth.  
Mr. Bruen.  
Viscount Crichton.  
Sir John Leslie.  
Mr. Plunket.

Colonel Taylor.  
Mr. Law.  
Sir Joseph M'Kenna.  
Mr. Plunkett.  
Mr. Maldon.  
Mr. Errington.  
Mr. Chaine.  
Major Nolan.

The Right Hon. S. W. Fitzgerald was further examined.

[Adjourned till Monday, 24th June, at One o'clock.]

*Monday, 24th June 1878.*

## MEMBERS PRESENT:

Mr. SHAW LEEVEY in the Chair.

Mr. John Bright.  
Major Nolan.  
Mr. Verner.  
Sir John Leslie.  
Mr. Heygate.  
Mr. Plunket.  
Mr. Plunkett.  
Colonel Taylor.  
Viscount Crichton.  
Mr. Bruen.

Mr. Chaine.  
Mr. Wilson.  
Mr. Maldon.  
Sir Joseph M'Kenna.  
Mr. Errington.  
Mr. Law.  
Mr. Richard Smyth.  
Sir Walter Barttelot.  
Mr. Fay.  
The O'Connor Den.

DRAFT REPORT proposed by the Chairman, read the first time, as follows:—

"1. YOUR Committee was appointed in the middle of the Session of 1877, to inquire into the working and results of that part of the Irish Land Act, 1870, which had for its object the promotion of the purchase of land in Ireland by its occupying tenants, and to report whether any further facilities should be afforded for this purpose.

"2. The meetings of the Committee in the latter part of that Session were mainly occupied in taking evidence from the officers employed in the Landed Estates Court, the Board of Works of Ireland, and the Church Temporalities Commission, as to the means adopted for giving effect to the intentions of the Lands Act in the above respect, as to the causes which have led to a failure to produce any substantial result therefrom, and as to the comparative success of the clauses in the Irish Church Disestablishment Act (1869), which had analogous objects in view, namely, the promotion of the purchase of the landed property of the Church by its occupying tenants. The evidence thus taken was printed and laid before your Honourable House. During the current Session your Committee have proceeded further with the inquiry, and have taken evidence as to the expediency of increasing the number of small proprietors of land, and have examined various proposals which have this object in view.

"3. Your Committee have to report an almost unanimous concurrence of opinion as to the expediency of giving greater facilities for the creation of a class of proprietors cultivating their own farms in Ireland. It is admitted that Ireland is almost wholly deficient

in such a class; it is believed that its social, political, and economic condition would be greatly improved and strengthened, if a numerous class of such persons existed, that better contentment would be spread through the country, and greater inducements be given to industry and thrift.

"4. A Return, prepared at the instance of the Government in 1870, with a view to legislation on the land question, and subsequently laid before Parliament, showed that in the whole of Ireland (exclusive of town districts), with an area of over 20 millions of acres, there were (including a number of duplicate entries) 19,294 owners of land of above one acre in extent, of whom 3,827 only were owners of between one acre and 50 acres, with a total of 81,862 acres, giving an average of 21 acres to each such owner, showing that less than 1-250th part of Ireland is in the ownership of persons possessing less than 50 acres of agricultural land. The agricultural statistics show that of 592,595 farm holdings in Ireland, 498,000 are between one and 50 acres. The cases, therefore, of occupiers farming their own lands are most rare, so rare that it has been stated in evidence that the very term of "freehold" is unknown to the bulk of them, and those who have become purchasers of their farms from the Church Commissioners continue to speak of the interest and repayment of instalments as their rent, and of their title deeds as their leases.

"5. Comparing this state of things with England, which, like Ireland, is a country, in the main, of large landed properties, but, unlike Ireland, is a country where large farms prevail, the difference in the number of small owners of land is remarkable. Dr. Hancock has pointed out, that comparing districts of the two countries as nearly similar as possible in their conditions, there are for every one owner of land of between one acre and 50 in Ireland, 10 such owners in England.

"6. If we compare Ireland with any other country in Europe where small peasant farming prevails, the difference is still more remarkable. In France more than half the land is in the occupation of its owners, and nearly two-thirds of the land is owned by persons having less than 75 acres of land, who are numbered by millions. In Switzerland, Baden, and the Rhine Provinces the proportion of owners is even greater. In Belgium one-third to one-half the land is owned by its cultivators. In Prussia, Austria, Bavaria, Holland, Denmark, and Sweden, where there is a greater proportion of large properties, the number of small owners cultivating their own land is very great, and nearly one-half the labouring class own small holdings of land averaging about five acres in extent.

"7. In all these States much has been done during the last 100 years to increase the number of owners of land, either by revolutionary measures, as in France, in 1789, or by facilitating the conversion of tenancies into ownership by purchase, assisted by the State, through the intervention of credit banks, as in Prussia, or by direct loans to the tenants, as in Bavaria, Wurtemberg, and Austria, where a loss was purposely incurred by the State for this object. In most of these countries also legislation has encouraged the multiplication of ownerships by simplifying and cheapening the transfer of land, by establishing local registries of land, by facilitating mortgages, by prohibiting or limiting entails, and by assimilating the law of inheritance of real and personal property.

"8. In Ireland, the class of small owners, apart from recent efforts of the Legislature to create them, can hardly be said to exist. The difference is the more remarkable as Ireland is essentially a country of small farmers, and the Legislature of the Continent, already referred to, was based on the principle that peasant farming is most successful, if not successful only, when combined with ownership or with such security of tenure as gives the greatest inducement to the cultivator to expend his labours on permanent improvements.

"9. The small number of owners of land in Ireland is alleged to be due to the following causes:—

"(1.) The confiscations of land which took place at various periods of English conquest, and especially in the 17th century, which substituted the English system of absolute ownership over vast districts for the old Irish tenures, under which ownership was divided between the chiefs and the dependent occupiers, and absolute ownership was not fully recognised.

"(2.) The penal laws which, during the last century, prohibited the Roman Catholic population owning land in fee, and therefore shut out the bulk of the population from the possibility of becoming owners.

"(3.) The extent to which land has been entailed and incumbered with settlements and charges, by which means the greater part of it has been withdrawn from the market, or when sold was encumbered with charges or annuities, which prevented its sub-division.

"(4.) The cumbersome and costly system of transfer and mortgage of land, which tells specially against small owners.

"10. The establishment of the Encumbered Estates Court in 1849, by which incumbered landowners or incumbrancers were enabled to petition the Court for the sale of landed properties, did something to free land in Ireland from such incumbrances. It was expected that purchasers would come in and buy with capital sufficient to improve the land, and to supply the deficiencies of its previous owners. Estates sold in the Court were



were broken up into smaller properties, but not in such a manner as to facilitate purchase by the occupying tenants. A large extent of land found its way into the hands of smaller capitalists, but often of persons who were not more able to expend capital on improvements than the impoverished owners from whom they bought, but who were more intent on exacting the highest possible rent, and who entered on the position of landlords without any previous relation to the tenantry or the neighbourhood, and without the family traditions or the customary forbearance, under which the tenants had acquired interests which could not justly be disregarded. The introduction of a class of speculative purchasers or land jobbers, who not infrequently raised their rents to a point which absorbed the recognised or legitimate tenant's interests, gave rise to much alarm, and has everywhere added much to the desire of tenants, on the change of ownership of the land they occupy, or on its sale in the Landed Estates Court, to become the owners of their holdings by purchase.

Major Dalrymple,  
2030-3.

Vernon, 205.

" 11. It was doubtless this feeling which contributed to the necessity for passing the Irish Land Act of 1870, and which induced the Government of that day to make its two proposals to Parliament with the object of facilitating the purchase of their holdings by tenant farmers; and it is to be observed that both these proposals passed through Parliament without a single objection in either of the two Houses.

" 12. The first of these was that under the Church Disestablishment Act, 1869. This Act directed the Church Temporalities Commission, in disposing of the landed property of the Church, to give to the occupying tenants thereof the preference of purchase at a fair market value. It empowered them to assist the tenants in the purchase by lending three-fourths of the purchase-money on mortgage at 4 per cent., repayable by instalments spread over 32 years. The property consisted of glebes and episcopal estates to the extent of 108,000 acres, in the occupation of 8,432 tenants paying an aggregate rent of \$3,430 £, giving an average of 13 acres each. The greater part of the property was glebe land situate chiefly in Ulster; the episcopal property was spread over all parts of Ireland. It is stated by Mr. Murrough O'Brien, the valuator employed by the Commission, that the glebes were for the most part in a poor condition, below the average in value of adjoining properties, let in small holdings, and more highly rented than is customary on large estates. The evidence shows that the Commissioners, while securing a full value for the property, have by judicious arrangements, and by explaining the matter to the tenants, fully carried out the intentions of Parliament. In their Report of 1874, they say, 'When we first commenced to offer the Church lands for sale to the tenants occupying them, they were not generally prepared to take advantage of the offer. Few were aware of the privileges conferred on them by the Act. As a class they were poor and ignorant, and offers of sale were often misunderstood; many of them thought that the purchase-money demanded would only secure a lease for ever, and that the rent would still be payable. The intentions and effect of the Act are now fully appreciated;' and in 1875 they say, 'The agricultural tenants are almost universally anxious to purchase these farms, and when the do not accept the offer of sale it is generally from inability to pay in cash even one-fourth of the purchase-money as now required by the Act.'

222.

" 13. Of the 8,432 holdings, 5,343 were sold to the tenants up to the end of 1877; of the residue, properties with 1,606 tenants, who had been unable to purchase themselves, have been sold to the public, leaving properties with about 2,800 holdings unsold, of which a portion will probably still be sold to the tenants. Of the 5,343 tenants who bought, a certain number, estimated at about 800, unable probably to find the balance of the purchase-money themselves, assigned their right to some neighbouring landowner or local capitalist or solicitor, who bought in their names; but in these cases the tenants generally received some consideration, obtaining a lease of more or less length at the old rent, and not unfrequently receiving a perpetuity lease.

221.

" 14. A deduction must also be made of some 500 cases of mere house properties or labourers' cabins; but making these deductions, there still remain about 4,000 cases in which agricultural tenants, holding from three or four acres to 50 or 60 acres, have, by this process, become owners. The number would have been greater had not the Commissioners laid down the rule that they would not advance any portion of the purchase-money, by way of mortgage, on properties sold for 50 £ and under, or more than half the purchase-money upon properties valued from 50 £ to 100 £, and the difficulty of the purchase of their holdings was thus greatly enhanced to the very small tenants.

" 15. It may be worth while here to illustrate the transaction by the case of a tenant paying a yearly rent of 10 £. If the purchase-money was 230 £, or 23 years' purchase (the average price at which the land was offered to the tenants), the tenant was expected to pay down one-fourth, or 57 £ 10 s.; the remainder was left on mortgage, repayable by half-yearly instalments of 4 £ 15 s., spread over 32 years. The new owner, therefore, has to pay 9 £ 10 s. per annum, or within 10 s. of his previous rent, and at the end of 32 years his farm will be free, and absolutely his own. No restriction was placed by the Commissioners upon alienation; the new owner, therefore, could give security for any further advance that might be made to him from other quarters; and some of the tenants availed themselves of this power, and borrowed a portion of the balance of the purchase-money; others obtained portions of the purchase-money from relatives in service, or from friends in America.

Appendix 4.

"16. A return handed in by Mr. O'Brien of four sample cases of glebes sold to tenants, will show the various ways in which the tenants obtained money for completing their purchases. In one glebe, where 21 tenants bought their holdings for 3,500 £, the amount paid in cash to the Commissioners was 1,500 £; of this 450 £ was borrowed; in three cases, money was sent from America; in three others, children in service assisted in the purchase. It is worthy of notice that the costs of the purchase (which in this case was effected through the Landed Estates Court) were 367 £, or 11 per cent. on the purchase-money, and nearly equal to the total sum borrowed by the tenants. Money was not unfrequently raised by the sale of cattle and other stock, or was provided out of money destined as marriage portions for the children. A report made by the Chairman of your Committee upon a glebe not far from Newry, which had been sold to the tenants, will further illustrate the nature of the transaction, and the efforts made by the tenants to find the balance of the purchase-money. The glebe consists of 250 acres, distributed among 21 small farms. Of the nine farms visited, the tenants of three had paid the full purchase-money; three others had borrowed portions of the balance of the purchase-money. 'In every case visited,' the Chairman says, 'it is clear that great benefit has resulted from the purchase. Ownership has been a spur to increased industry and thrift. In many it has prompted improvements. If it has not had this effect in all it is because the first obligation has been to pay off the money borrowed from other sources than the Commissioners. It has lifted the family, in the social scale, from the position of tenant, dependent on the good-will of the landlord, who might be changed at any moment, to that of owner. It has caused a hard struggle in not a few cases; but these struggles will not be without result. The increased industry and thrift required to pay off the loans will establish a habit for the future; and the freehold and tenant-right of the farm together will always fetch a high price in the market.'

Appendix 5.

"17. The price obtained by the Commissioners for the land thus sold to the tenants averaged 22½ years' purchase of the rental, which is slightly higher than the average price obtained for land in Ulster, sold in the Landed Estates Court during the last two years, and from two to three years' purchase higher than the land sold in other parts of Ireland by the same Court.

"18. After selling portions of the glebe lands and other Church properties to the tenants, there remained residues of what appeared to be very undesirable property, honeycombed, as it were, by the small freeholds, and dispersed about in an inconvenient manner. The Commissioners believed there would be great difficulty in selling their residues, but have found an unexpected demand for them. For those portions of them already sold, the price realised has averaged 22½ years' purchase of the rental, which was somewhat higher than the price at which the same land was offered to the tenants. They have sold 1,006 tenancies to 123 purchasers. The land thus sold was in a decidedly inferior condition to that sold to other tenants. Hence the lower average price at which it was offered to the tenants and sold to the public.

305.

"19. The Commissioners report that the new purchasers have paid the interests and instalments of capital with great regularity, and that out of the whole number only 40 are in arrear, and their collector anticipates no difficulty in obtaining the rent in these cases. They also state in their last Report that improvements are being generally effected in the building of houses, and in draining and reclaiming land. Mr. Marrough O'Brien has stated, as the general result of his observations, that the sales to the tenants have made them more contented with their position, and have tended to make them more industrious.

306.

"20. Mr. Vernon, from personal observation, gives the same opinion: 'In my opinion the result has been extremely satisfactory in every way, both as to the tenant's industry, and as to his contentment, and as to his attachment to law and order. I think in every way it has had a favourable influence wherever it has been acted upon.'

"21. In their Report of 1876 the Commissioners attribute the general success of creating a class of small proprietors out of a body of poor tenant farmers to two causes: 'The first and principal is, of course, the advantageous terms on which the purchase-money of the holdings is payable. The privilege to pay only one-fourth of the price in cash, whilst three-fourths may remain on mortgage, is a most valuable boon; indeed, without some such arrangement, purchases by small farmers would be impracticable. The second cause is, in our opinion, that the farmer has not been obliged to take the initiative in opening negotiations for the purchase of his farm, nor afterwards to conduct any correspondence on the subject; everything has been made easy to him. He has not been obliged to encounter that real calamity for an illiterate man, writing a letter. A fair price has been put upon his farm; full printed explanations and instructions accompanied the offer which was sent to him. He has had only to write, or get written for him, from one to six words on a printed form supplied to him to sign his name or affix his mark; to provide within three months one-fourth of the purchase-money, and the thing was done. He was transferred, without trouble to himself, from a rent paying tenant into a landed proprietor. A simple form of conveyance and mortgage was settled and printed by an authority, and the cost of the transaction was thus reduced to a minimum.' It will be observed that the Church Commissioners stand to the new purchasers in the simple relation of mortgagees and mortgagors under the general law of the land; that there is no prohibition

prohibition of alienation or of sub-letting; but that sub-division of the holding would be unlawful without the consent of the Commissioners.

"22. Your Committee have adverted at length to the results of this part of Irish Church Disestablishment Act, because it was the first of the two experiments made by Parliament directly with the object of converting tenancies into ownerships, and because the substantial success attained points out in so many respects the course which may be pursued in the future with the same object.

"23. The other experiment made in this direction was that under the Irish Land Act, 1870, which is more immediately the subject of the inquiry of your Committee. Two methods were proposed in the Act to effect this purpose: (1.) By giving inducements and facilities to landlords (whether limited owners or owners in fee) to agree with their tenants for the sale or purchase of holdings through the medium of the Landed Estates Court. (2.) By directing the Landed Estates Court, in the case of the sale of landed property in the usual course in the Court, to afford, by the formation of lots for sale, or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings, so far as should be consistent with the interests of the owners of the properties thus dealt with.

"24. In both cases the Board of Works of Ireland was authorised to advance, by way of mortgage on the land thus sold to tenants, two-thirds of the value of the land, repayable by equal half-yearly instalments spread over a period of 35 years, at the rate of 5 l. for every 100 l. so advanced, a rate which makes the interest  $3\frac{1}{2}$  per cent. The terms, therefore, are, in respect of the rate of interest, more favourable than those of the Church Commissioners, namely,  $3\frac{1}{2}$  per cent. in lieu of 4 per cent., but the proportion so advanced on mortgage was less, namely, two-thirds of the value of the land, in lieu of three-fourths of the purchase-money. There are also stringent provisions against the purchasing tenants mortgaging, alienating, assigning, charging, sub-letting, or sub-letting their holdings, without the consent of the Board of Works while any part of the annuities remain unpaid; any such Act is to operate as an absolute forfeiture of the land to the Board of Works. By the Amending Act of 1872, a sale was substituted for the forfeiture.

"25. Under the first process contemplated by the Act, where the vendors are tenants for life, or limited owners, the Landed Estates Court is empowered to distribute the purchase-money in repayment of charges upon the land, in accordance with priorities, or the purchase-money may be lodged in court for investment in other land, subject to the same trusts, and pending such purchase might be invested in Consols. The land sold to the tenants under this part of the Act is to be free from incumbrances, except rights of way, easements, and other charges specified in the Act. The Treasury was directed to prescribe the fees to be charged in respect of such sales, and the court is empowered to apportion rents, charges and covenants, &c., in respect of land thus sold.

"26. This part of the Act has been almost a total failure. In six years there have been only 35 sales to tenants, of which two only were by tenants for life. The reason given for this failure is the great cost of passing such sales through the Landed Estates Court. Mr. McDonnell, the examiner of the court, says: 'A single tenancy will not bear the cost of the investigation of title; an owner is offered 2,000 l. for a tenant's farm; he would have to pay 200 l. on the cost of showing title to it. The lowest cost for passing a property through the court is 100 l., and there would be in addition the personal costs of both parties outside the court.' Mr. Lynch, the registrar of the court, agrees that the failure is in fact due to this, but adds that there are few owners of estates who are anxious to part with a small portion of their estates, and that there are very few estates which have not incumbrances upon them, and that there is difficulty in paying off these incumbrances according to their priority, or in getting their consent to the sale. 'You must pay off the first incumbrancer, whose incumbrance will exactly exhaust the amount of the purchase-money, and who would be satisfied to take the same in discharge of his incumbrance. It is necessary to make a title to the whole estate, and to settle a schedule of incumbrances for the whole estate, for a charge which affects one part, as a rule affects the whole. The owner has to take exactly the same proceedings in a sale under these clauses as under the ordinary vendor and vendee clauses of the Act.' The costs are very much the costs of an ordinary sale. The Treasury settled the per-centage fees for sale under this part of the Act at the same rate as under the principal Act. No effort, therefore, appears to have been made to reduce the costs of small transactions. The sums received for sale of lands under this part, if not paid away in discharging incumbrances, must be invested in Consols, subject to the trusts of the settlement. It is obvious, therefore, that it would not be a profitable operation to a landowner to incur costs in selling land to a tenant of 23 to 25 years' purchase of the rental, and to invest the proceeds at  $3\frac{1}{2}$  per cent. in Consols.

"27. Under these conditions, the failure of this part of the Act is only what was to be expected. In 1872 a supplemental Act was passed, enabling the Board of Works to make advances to tenants purchasing by agreement from their landlords, upon being

McDonnell, 602.

Lynch, 1603.

1951.

1902.

satisfied as to the title, without the necessity of passing the property through the Landed Estates Court.

2432

\* 28. Under this Act, 47 purchases by tenants have been effected in respect of 15 different properties. The Board of Works appear to have laid down the rule, very early after the passing of the Act, that they would entertain no proposal under it, except where title was derived from the Landed Estates Court, on the ground that their solicitor had not sufficient staff to go through the titles which would come before him, and see if incumbrances were cleared off, and so forth. In consequence of this decision very few applications have been made under this supplemental Act, and those, the titles of whom were not derived through the Landed Estates Court, were at once rejected, except in the case of some sales by one of the City companies where the title was notoriously good. It is stated that the Board of Works refused to advance where property was sold under the direction of the English Court of Chancery.

\* 29. It is clear, then, that this supplemental Act has also failed for the same reason as Part 2 of the Land Act, namely, the expense of proving title, and the difficulty caused by incumbrances.

\* 30. There remains to consider the operation of Clause 46 of the Act, which directed the Landed Estates Court to give facilities to tenants desirous of purchasing their holdings by making lots, or otherwise, so far as this could be done without detriment to the interests of the owner of the estate, and directed them to hear applications on behalf of tenants from the Board of Works in this respect.

\* 31. During the six years 1871 to 1876 inclusive since the Land Act was passed, landed property to the value of 5,272,000 *l.* has been sold by the Landed Estates Court in the usual course of their business, and it is stated that nearly all the landed property now sold in Ireland passes through this court. Some small deduction must be made from this in respect of demesne lands not in occupation of tenants. The rental of the land in occupation of tenants was about 220,000 *l.*, and it is probable that this, on the average, represented 11,500 separate holdings or occupations of 20 *l.* each.

\* 32. During the six years ending 1875, 535 of these tenants were able to buy their holdings, and to avail themselves of the Government advance, making, with the 82 cases previously mentioned, 605 holdings, of which the purchase-money was 598,000 *l.*, and the Government advance 338,000 *l.* It will be seen, then, that about five per cent. of the number of holdings sold in the court, and one-tenth in value of the property sold, was purchased by the tenants; the difference in the proportion is explained by the fact, that purchases by tenants have been principally of farms above the average size. Of the 605 holdings sold, 84 were of 100 acres and over; 108 were from 50 to 100 acres; 128 from 20 to 50; 90 from 20 to 30 acres; 54 from 15 to 12; and 49 under 10 acres; and the average about 40 acres. Of these 605 holdings, 359 were bought in aggregate lots, 71 in number, and were subsequently sub-divided: of which 50 were portions of the estate of Lord Waterford, sold in 1871; 164 were bought in separate lots in the ordinary sales of the court. The purchases by combinations of tenants were confined mainly to the case of the Waterford tenants, and have lately almost wholly ceased. The sales to tenants are therefore practically confined to those cases where they have the opportunity of bidding separately for their own holdings; whether they have this opportunity depends upon the discretion of the examiners of the court, whose duty it is to determine the lots in which the properties sold in the court are put up for auction.

McDonnell, 870.

\* 33. The practice of the court has been as follows:—'Notice is given to the tenants before the settlement of lots, informing them that if any of them are desirous of purchasing their holdings, they must attend before the examiner on a certain day with a proposal for the purchase, containing an undertaking to pay for the same, after which no proposal for the sub-division of a lot will be entertained; and in the event of such proposal being accepted, regard will be had to the same on the settlement of lots.' No information is given in the notice as to the terms upon which the Government advance will be made; it merely gives them the opportunity of appearing before the examiner themselves, or by attorney, if they wish to purchase. When the examiners settle the lots, they hear the applications from the tenants; and after reference to the agents for the vendors, decide in what lots the property shall be put up.

\* 34. The main difficulty opposed to the working of this part of the Act has been that the owners of property sold in the court have been unwilling to run the risk, by selling to some of their tenants, of leaving a residue left on their hands unsold, and the examiners and the judges have been unwilling to act against the wishes of the persons having the conduct of the sale, and to exercise the discretion vested in them by the Act, of directing the property to be put up in lots, so as to suit the tenants who are anxious to buy.

\* 35. Those tenants who have been able to bid separately for their holdings have given prices decidedly above the average price of other land sold in the court. The one examiner has only consented to put up tenants' holdings separately upon their undertaking to bid an upset price, which has generally been about 25 years' purchase of the rental, or nearly three years' purchase above the average price of land in Ireland; the tenants, therefore, have gone to the sale with the disadvantage of having possibly to bid higher than

than their offer, but in no case to obtain the property for less. The other examiner has never agreed to put up a separate holding for sale in this way, but he has excepted such holdings from the sale by auction where the owner and tenant could agree upon a price.

"36. It is clear from this practice that the sale of a property, or part of a property, to the tenants, has depended upon all, or nearly all, of the tenants being in a position to buy, and if even a small minority have been unable to do so, the sale to the other tenants has been practically rendered impossible. Under these circumstances, therefore, it is not matter for surprise that the sales to tenants have been very few in number, and that great numbers of tenants who were anxious and ready to buy, have been disappointed in not having had the opportunity of doing so.

"37. The inherent and main difficulties in the way of sales of the tenants have been increased by other circumstances arising out of defects of the Act, or the practice of the departments which are concerned in administering it.

"(1.) No sufficient notice has been given to the tenants of properties sold in the Landed Estates Court, explaining to them the objects of the Act, and the nature of the facilities offered by the Government. For two years after the passing of the Act no notice whatever was issued to tenants by the Landed Estates Court, and when finally a notice was decided on, it has conveyed very little information to them. The tenants are invited to appear before the examiner; this involves either a personal appearance or the employment of a solicitor, with the very great uncertainty of having ultimately the opportunity of bidding for their holdings. Judging from the experience of the Church Commissioners of the ignorance of the small tenants, their want of business knowledge, and their reluctance to employ legal assistance, this alone must have prevented many who ought otherwise to have been able to buy, if properly informed.

"(2.) The Board of Works, by the direction of the Treasury (to whom every point of detail in working the Act was referred by the Board), laid down in the first instance as the measure of value of the property on which advance was to be made to the tenant purchaser, not the price which was given by him in the Landed Estates Court, or the upset price put upon the holding by the officials of that court, but 24 years' purchase of the official valuation upon which valuation two-thirds, or 16 years' purchase of the tenement valuation would be advanced by the Board. The tenement valuation, however, is notoriously below the rental value of property in Ireland, and is unequally assessed in different parts of the country. The amount advanced to tenants on this basis seldom exceeded more than half the purchase-money, and gave rise to great complaints on the part of those who had bought, expecting to obtain two-thirds of the amount of the purchase-money from the Board. Subsequently the Treasury agreed to advance up to 20 years' purchase of the tenement valuation; this being still objected to as insufficient, they later agreed to a special reference to the Commissioners of Valuation, and to a special valuation of the property at the expense of the tenant. Where this has been adopted the Board has been enabled to advance two-thirds of the purchase-money, but the process has involved delay, uncertainty, and expense. Tenants are unwilling to incur the expense of a special valuation, and are stated to have been suspicious that it would entail an increase of taxation; if the valuation took place before the sale, the tenant might not have the opportunity of bidding; if after the sale, the tenant was uncertain, in making his bid, whether he would obtain the full two-thirds from the Treasury. Mr. Stok, the Chief Clerk of the Board of Works, states that tenants have been in the habit of coming to the office to inquire as to the amount of the advance, and were most dissatisfied when they found what was the condition of the Board. A tenant often said to him, 'I have so much of the purchase-money, and if the Board would give me so much more I would feel warranted in going before the examiner and making an offer.' Fully one-half of the applicants went away dissatisfied with the conditions. The evidence shows the importance of even a small difference in the amount of the advance in facilitating such transactions.

Stok, 1742.

1718.

1714.

"(3.) Another difficulty not unfrequently occurred where a portion of the holding was sub-let. The Act of 1870 contained an absolute prohibition against sub-letting any part of the holdings on which advances have been made by the Board. The Amending Act of 1872 provided that where any part of a holding charged with the payment of an annuity to the Board of Works should be sub-let to agricultural labourers, land held required for the cultivation of such holdings, for cottages or gardens not exceeding half an acre in each case, such letting should not be deemed to be a forfeiture. It has been held by the judges of the Landed Estates Court that this Amending Act defines the exceptions which may be made in the case of the original advance, and if any portion of the holding be sub-let, except within the terms of this Act, they refuse to make a charging order. As it not unfrequently happens that small portions of a holding are sub-let to relatives of the tenant, or to other persons not employed on the farm, this has operated to deter purchase in many cases. It has also been held that it was not lawful for the Board to make an advance upon that portion of the property not sub-let, excluding from the security the portion sub-let to tenants.

1872-3.

1868.

"(4.) The 46th section of the Act of 1870 clearly intended that the Board of Works should represent the tenants desirous of purchasing their holdings, before the Landed Estates Court, and should make any applications that might be necessary on their behalf for the letting of the property to be sold, in such a manner as to give them the opportunity of buying, thus intending to relieve the tenants of the necessity of employing lawyers, and of the expense and trouble of such a transaction. In fact, however, the Board of Works has never acted in this manner for tenants; and the tenants have been left to incur this expense, and to make such applications without assistance.

"(5.) Another difficulty has been found where charges or annuities existed upon properties, from which the separate holdings could not be freed, so as to admit of a prior mortgage to the Board of Works. The practice of the two judges of the Landed Estates Court has been somewhat different on this point; where there was ample security for such charge or annuity, apart from the holding proposed to be sold to the tenant, one of the judges has been in the habit of making an order charging the holding in favour of the Board of Works, thus giving to such charge priority over the annuity. The other judge has not considered he has power to do so, and has refused to make such charging order, however ample the remaining security. In the opinion of the Examiner of the Court such action would be equivalent to "picking pockets." The refusal to make the charging order has prevented the tenants purchasing in a certain number of cases.

"(6.) The costs incurred by the tenant purchasers have been very high. As already shown in the case of a property of the Church Commissioners sold through the Landed Estates Court, the average cost to the tenants was 11 per cent. on the purchase-money, and in those cases where the purchase-money was under £50 l., the costs amount to over 18 per cent., equal to four years' additional purchase of the rental.

"(7.) The cost both to vendors and purchasers has been greatly increased by the necessity of determining the easements and rights-of-way affecting the property, and defining them in the deed of transfer. This involved a fresh reference to the Ordnance Department for survey of the property, and has been the cause of delay and expense. Part 2 of the Act directs the sale of land to tenants to be subject to existing rights-of-way and easements, but Clause 45 not being in this part of the Act, has been subject to the usual practice of the court. It is admitted by all the witnesses that much delay, trouble, and expense would be saved to tenant-purchasers by amending the Act in this respect.

"(8.) The working of the Act has been further limited by the construction given to the 47th Clause, which enables the Treasury, where four-fifths of the tenants of a property agree to purchase their holdings, to advance one-half of the purchase-money of the remainder, upon the same terms to any other purchaser not a tenant. This has been held to apply to the whole of the property only, and not to a lot containing several holdings sold in the Landed Estates Court.

"(9.) The clauses prohibiting the alienation or charging of properties sold to tenants and mortgaged to the Board of Works, have also limited the purchases by tenants. Tenant purchasers have been unable to give security upon their holdings for any sums which they might be able to borrow from other sources, so as to make up the balance of the purchase-money.

"It has been shown that in many cases the tenants of the Church property (where no such prohibition against alienation existed) borrowed from other quarters a portion of the balance of the purchase-money, giving a second charge upon their farms for the same. This course is not open to tenants purchasing under the Land Act, and if they borrow at all it must be on personal security. It is stated that the tenants' interest in their farms is always of considerable value, and that tenants frequently borrow on this security. On purchasing the farm, their tenants' interest merges in the fee, and the prohibition against alienating or charging prevents them from borrowing on their tenants' interest, thus limiting greatly the existing borrowing powers of the tenants, and putting them under a serious disability. There seems to be no good reason for thus prohibiting them from borrowing; the power of borrowing in no way detracts from the value of the security to the State.

"(10.) The Treasury has carried the principle of prohibition of alienation to the extent that they hold that a devise by will, even to a son, without the previous consent of the Board of Works, operates as a forfeiture, still more so the devise to any other person; this is stated by Mr. Stuck to have given great dissatisfaction, and many tenants who have bought, are talking of paying off their loans as soon as they can, in order to be free, while others, when informed of this prohibition, have been deterred from availing themselves of the facilities offered by the Act.

"38. In reviewing the work effected under the Land Act, your Committee cannot avoid the conclusion that it has been inadequate and disappointing; it has not sufficed even for an experiment on the most moderate scale, and is calculated rather to excite disappointment in the minds of those for whose benefit it was intended than to effect any sensible

sensible change in the condition of the occupiers of land. At the present rate of progress it cannot be expected that more than 100 tenants in each year will avail themselves of the facilities offered for becoming owners, a number so small that it produces no effect, and nearly 20 years would elapse from the passing of the Land Act before the sum proposed to be loaned by the State for this purpose would be expended, and even if amendments be made in the Act, and in the practice of the departments upon the points referred to, the increase in the number of purchases will it is admitted be inconsiderable.

" 39. Your Committee are of opinion that the results of the experiment of the Church Act and of the above clauses of the Land Act, so far as they have operated, fully warrant Parliament in going further in the same direction, and in endeavouring to make effective and workable clauses which have been shown to fail almost wholly in their purpose. Without the intervention and aid of the State, it is improbable if not impossible, in the present state of the land laws, that any number of small owners of agricultural land will come into existence. The excess of State intervention for this purpose is that for centuries all the influence of the law has been in the opposite direction, and that a state of things has resulted which makes the natural creation of small ownerships almost impossible.

" 40. The desire for ownership of land by the farming tenants of Ireland cannot be better illustrated than by the high price given for tenant-right throughout the greater part of Ulster, and in many other parts of Ireland where it is admitted. The tenant-right of land, fully rented, fetches in the market from 15 to 25 years' purchase of the rental, and in parts of Donegal as much as 40 to 70 times the rental.

" 41. Major Dalton has given to the Committee a good example of the effect of this qualified ownership, or interest in the land on the part of the occupier. He is agent for two adjoining properties of Lord Headfort, the one in the county of Carrow, and the other in the county of Meath. The rents of the two properties average about the same; in the former tenant-right is recognised, and the tenants are permitted to sell their tenant-right subject to the landlord's approval; and it has averaged 18 years' purchase of the improved rental, that is on the re-valuation which always takes place on a change of occupation; on the other property tenant-right has never been permitted or recognised. On the former estate, where tenant-right exists, the tenantry are in a more thriving condition than in the latter; and, in the opinion of Major Dalton, the interest thus conceded to the tenants has been an incentive to industry and thrift, and gives a status to the occupiers, who feel invested with a quasi property in the land.

" 42. The same result has generally followed in Ulster, and accounts, in the opinion of many, for the greater industry and contentment of that province. The great sums thus given for the mere right of occupation, often far beyond the value of tenants' improvements, show that, under a system of simple transfer of land, and a more distributed ownership, great prices would be given for the freeholds of farms. The sale of a freehold farm, without an occupying tenant, is at present a rare occurrence. When it takes place the price is very high, for it includes not only the price which the freehold, if let to a tenant, would fetch, but also the tenant's interest. The Church Commissioners have sold a certain number of small freeholds in land (i.e. without tenants), and the prices realised have been very high, averaging over 50 per cent. above the price at which it would have been sold subject to a tenant's interest; and almost every witness has stated that land without a tenant, in any part of Ireland, will sell for a price greatly beyond what it would command if in the occupation of a tenant. The importance of this fact will be seen later; meanwhile it is worthy of observation, as showing the price which small freeholds are likely to command from the farming classes of Ireland.

" 43. Of the numerous witnesses examined by your Committee, including the agents for some of the largest properties in Ireland, and whose interests, therefore, might be supposed to be opposed to any general substitution of ownership for small tenancies, the great majority were in favour of giving greater facilities for the creation of a class of small owners. Mr. Vernon, agent for the properties of the Marquis of Bath and the Earl of Pembroke, and Governor of the Bank of Ireland, has spoken in the strongest terms of the importance to the proprietary class in Ireland of increasing their numbers; after dwelling upon the great disproportion between the number of owners and tenants, he said that an increase in the number of the former would give stability to the State, and would in the true and higher sense of the term be a conservative measure.

" 44. Major Dalton, agent for the Marquis of Headfort's estates, is strongly in favour of creating a peasant proprietary in Ireland. 'I think,' he says, 'it would be a most conservative measure, not using the words in a political sense, but as giving the occupiers of land that which they have not got now, namely, an attachment to the constitution under which they live;' and he quoted from the speech made by the late Bishop of Lichfield to the following effect: 'In New Zealand, the English, Scotch, and Irish live together on the best terms. The qualities of each class blend together for the improvement of all. No dispute as to tenant-right can arise, because every tenant has the right of purchasing the land he holds at a fixed price. Under these circumstances, the tenants, instead of being lazy and drunken, strain every nerve to become owners of the land they occupy. In this way it happens that the most irregular people of the Irish become steady and

2563-43.

2562.

O'Brien, 4416.

Vernon, 141-7.

Dalton, 2569.

2561.

industrious, acquiring property, and losing all their wandering habits; and it becomes impossible to distinguish between the comparative value of the Irish and Scotch elements.'

457. "45. Mr. Hussey, the most extensive land agent in the south of Ireland, has spoken to the same effect: 'An increase in the number of small owners of land would give us a class of persons which we do not possess in Ireland at the present time, who are not connected with property as tenants, and would check the agitation which is going on continually for taking possession of the landowners' property and giving it to the tenants class.'

458. "46. Sir William Gregory, formerly Member for Galway County, says, 'I have always considered that in a country like Ireland, where the land is possessed by landowners, the great majority of whom differ in blood and in language in some respects, and in religion, from the cultivators of the soil, it would be about one of the most conservative, or the most conservative policy possible, to fix upon the soil a large number of the people of the country itself. I believe that in every man who is thus placed upon the soil as owner of his land you have as it were a special constable on the side of law and order, and I have always looked forward to the measure as one which would bring at once the people of the country more in harmony with the landlords, and be for the general interest of the country.'

461. "47. Judge Flanagan says, 'I am sure it would add to the stability of the institutions of this country if there were a considerable infusion of tenant proprietors in the country, provided always you took care that the possession of the land in the hands of the tenant proprietor were not severed from what I may call the ownership of the land.' Professor Baldwin says, 'Considering the state of Ireland, I should say the most important result of creating small owners would be this; each small proprietor would be a centre of loyalty, and the more of these centres of loyalty you create, the better for the State.'

462. "48. Many other witnesses have given evidence to the same effect; the almost solitary exception has been the evidence of Mr. Olpherts, a landowner in Donegal, whose district is one of the poorest in Ireland, and where the holdings are very small. This gentleman is of opinion that it would be positively injurious to the occupiers that they should become the owners of their holdings: 'My impression is that they cannot do without a landlord over them in some form or other; they must have a landlord to consult; they must have a landlord to stand in front of them when they get into difficulties, in order to assist them, and they must have a landlord to secure them in their holdings.' The tenant-right in his district has risen to a very high amount, averaging from 30 to 70 years' purchase of the rental, and in-coming tenants often pay double what the landlord could obtain for the fee. It has been raised to this point, he says, by people coming home from America, and who like to come back to the place they went from, and who, finding it very difficult to get a place where they can settle, will give anything to get into their own locality again. The tenant-right is fully recognised by himself and his neighbours. Mr. Olpherts admits that the tenant-right is useful in some respects; if the tenant gets into difficulties he can sell out, and will have the means of getting out of the country; it also gives him a sense of security. 'It is evident such a man holding under tenant right is as much an owner as I am, because I cannot put him out; it would cost me more than it is worth.' 'Therefore there is no reason for granting him the remaining portion of the ownership?—None whatever.'

466-9. "49. Sir Frederick Heygate, an extensive landowner of Londonderry, while admitting the want in Ireland of a middle class, and believing that it would be for the interest of the country that there should be a more numerous class of owners of land, is of opinion that this class should consist rather of farmers of the more prosperous class, and with from 30 to 50 acres, sufficient to maintain a pair of horses, than of the smaller class of tenants; he fears that the result of facilitating ownership among the small farmers would be to promote sub-division of land, and the building and sub-letting of cottages of a bad description. He fears also the effect of a bad harvest in reducing the condition of the small owners, and that Government would find it very unpopular to enforce payment of the interest by instalments of such persons, or to sell them up. He thinks, therefore, that if the Government should make loans, it should not do so in the case of holdings below a certain size, because it would otherwise get a class of people who he thinks would not secure the property of the country. His opinion is to some extent shared in by Mr. Ball Green, the head of the Valuation Office in Ireland, and by Mr. Benes Jones, a landowner in the County of Cork.

473. "50. Sir F. Heygate, however, has himself admitted that it could not be possible to draw a line, and that the attempt to do so would be fatal to the scheme. Mr. Ball Green also does not see his way to draw a line, and admits that it would be unjust to do so. Mr. Benes Jones equally does not appear to contemplate drawing a line; he uses the objection as an argument against plunging hastily into any scheme. He admits that the present scheme as worked by the Landed Estates Court is a failure, and would be glad to see the experiment tried on a larger scale, and thinks that if 1,000 tenants were converted into owners in each year for the next 10 years, that might give a fair trial for such an experiment.

"51. With



" 51. With these exceptions, all the witnesses before your Committee have given the opinion that it is quite as important to facilitate the creation of the smaller class of land-owners as of the large class, or as Major Dalton has put it, 'It is not proposed to create more small tenants than now exist, but simply to elevate in the social scale those who are now on the land.'

230.

" 52. Of the 581,000 tenant farmers in Ireland, 423,000 hold less than 30 acres of land. The great bulk of the purchasers of the Church property were tenants of this class; the average holdings in Ulster are also of this class. In the opinion of Mr. Murrough O'Brien, it is even more important that ownership should be encouraged among the smaller tenants than among the larger. Speaking of small farmers, averaging about 10 acres each, he says, 'I think that lots of this sort are just as suitable for sale, and that the small farmers are most desirable members of society to encourage. It makes them orderly, and it gives men labouring in England or America a home to come back to.' Speaking of holdings of about five acres, he said, 'For one thing, it is the best mode of housing the labouring population; it does not pay the landlord to build houses for them, and it is a matter of experience, that when they have the opportunity, they, not all at once, but from time to time, invest their little savings of money and labour in building themselves houses and improving their little plots. The holders of these small plots do not also require so much capital in proportion as those with larger holdings. The labour of the man and his family is his capital, and is sufficient of the cultivation of a small farm.' 'I think the fact of the tenants having only a yearly tenure, is the reason why the Irish are the worst housed nation in civilised Europe. Of course, where the farms are very small, some of them being hardly worthy of being called farms, but rather agricultural labourers' holdings, on those it would never pay the owner to build houses suitable for the occupants.'

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" 'In my opinion, there is no objection to small plots being sold as freehold any more than large plots; in fact, I think that there would be more small farmers desirous of being freeholders than large farmers, because a large farmer has a trade; he wants his capital to trade with, and it does not always suit him to invest it in land; whereas, as far as my experience of small holders goes, they are more anxious to become freeholders.'

" 'The capital chiefly required for working a small farm, say of five acres or less, which could hardly be called a farm, is the tenants' labour. I can see no objection to encouraging the making of small freeholders like that or smaller. The tenant need not necessarily be a labourer; he may be a tradesman, as many such small farmers are, and it is his pride to spend the savings of his time and labour in making his house more comfortable, and in setting out gardens and orchards so many farmers do now upon the security of their tenant-right.'

938-40.

2699-11.

" 53. Major Dalton has spoken to the same effect: 'There are a good many tenants on Lord Headford's estate holding from one to five acres. They are rather labouring men than farmers. They live chiefly by labour; now these are men whom I should like to fix upon the soil; I think it is one way of dealing with the most perplexing question of all, perhaps, namely, the labourer question, and how to house them. It costs the farmers much to build cottages, and moreover that is getting more expensive every year; they do not like to waste it on the roofs of their cabins. Then, on the other hand, landlords cannot do it on a very large scale, except upon the land which they have in their hands; they are not rich enough; but if you give the labourer a property in less small allotment or holding, I think he would be very likely to do it himself, and I know instances where they have done it.' Any attempt to exclude such a class from any facilities offered by the State would, in his opinion, be impolitic and invidious. 'I think that it would be fatal to the measure, from a conservative point of view, at all events, because it would create so much disaffection that I would rather do nothing.'

" 54. Mr. Henderson, of Belfast, speaks to the same effect:—'Judging by the analogy of the Ulster tenant-right, the small holdings bring a higher price, and the people are often as comfortable in the small holdings as in the larger.'

3296.

" 55. Mr. Vernon says:—'If you look for high farming, or scientific farmers, you would never dream of *petite culture*; you would never establish small farms, you would have large farms; but in Ireland we deal with facts as we find them, and the fact is that the country is in the possession of small occupiers, whom the Legislature, rightly or wrongly, declines to disturb. Therefore it appears to me that the only question that arises now is, whether land held by a small holder as a tenant, having the superintendence, and perhaps the assistance, of his landlord, will not be better cultivated than land in possession of a man of the same calibre, but having no control over him at all. My answer to that would be this, that I think it is true to human nature that the right of ownership ought quite to make up for the other.' When asked by Sir John Leslie this question:—'Supposing that the same man, one of those who happened to live on a large estate, had to purchase his holding, he would naturally have to find the money, and then would he not draw that money, to a certain extent, from that which he should put into the ground?' Mr. Vernon replied:—'No doubt he would in a certain degree; but, on the other hand, look to the operation of what takes place in your own county; you will see there that the man will give nearly the value of the fee of the lord for possession of it, yet in some way or other will thrive. We see in the north of Ireland they give large

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242-5.

wants for tenants-right, and after that we see them cultivating better than they do in the south of Ireland, where they give nothing.'

2108. "55. Professor Babbage says that there are many parts of Ireland which cannot be cultivated, except by spade labour, which are so rough and stony that a plough cannot be used. At Glasnevin there are three model farms, one of six acres, cultivated entirely by spade labour, another of 25 acres, which is managed as an example for the bulk of working farms, and a large farm in which high farming is practiced. The experience is that the average of produce decreases as the size of the farm increases, and that under spade labour the land produces more. He considers that ownership is an essential condition to a small farm being properly worked, and that small occupiers are much more objectionable than small owners, on both social and economic grounds, and even more so for political reasons. He is opposed to any artificial line being drawn by the State for discouraging owners holding below a certain amount of land. He would trust to the operation of the ordinary economic laws, if properly set in motion, to work out what is best for the interest of the country, and under which the thrifty would buy out the unthrifty; and the natural operation of consolidation of farms would be set on foot, where it is really and economically sound.

221. "57. The same opinion has been given by many other witnesses. It is stated that there is no longer the same tendency to sub-divide holdings that there was before the famine of 1846. Mr. O'Brien says:—'I think the sub-division which took place formerly, of which I have no knowledge except from reading, arose from this: that the tenants sub-divided and misused land which was not their own; they had little or no interest in it, and they did not care how they misused it; now when tenants invest in land, and more especially when they have a permanent interest in it, I think they are much more likely (contrasting my experience with what I have read of in the past) to use it judiciously and wisely, and to make their possessions of the greatest advantage to themselves and the country. I think that farmers in Ireland are just as unlikely as anywhere else to sub-divide their farms in a manner which would be injurious to their property: they are quite aware of the disadvantages of a farm being left among a whole family of children; they generally make wills even where they have nothing to leave but a yearly tenancy, and they would be much more likely to make wills when they have freeholds to leave.'

"There is also a much higher standard of living than there was formerly; moreover, the younger men of the families go to other countries; it is a thing which has been said to me over and over again when I have visited farms in Ireland that the whole family cannot expect to live upon the land; the sons and daughters go to America or to England. There are therefore three distinct causes to render subdivision less likely than it was formerly; first, that the tenant will be the owner of the land, and have a permanent interest in it; secondly, the higher standard of living; and thirdly, that the young people are more in the habit of going to America and elsewhere.'

2207. "58. Mr. O'Hagan also concurs in the view that the habit of subdivision has greatly gone out, and that there need be no fear on this score. He thinks, however, that so long as the State stands in the relation of mortgagee of the properties created by the facilities given, it should insist upon the property not being subdivided. 'I think,' he says, 'it would be quite wise that they should have that power, and, besides that, it is right of the State to require that. I think it would work beneficially in this way: that it would, for a certain time at all events, tend to keep up the habit which has very considerably grown of there being no subdivision.' 'This would maintain the property undivided for 34 years, the length of the annuity, and in that time I would hope that the habits of the people would have so altered that the excessive subdivision of former years, which really resulted to a great degree from the improvidence which came from utter destitution, would not then exist.'

"59. Major Dalton entertains no fear on this score: 'Of course it would take place in some cases, but I have found from my own experience, which is a tolerably long one now, that the wish for subdivision is dying out altogether on the Headfort estates; the tendency is rather the other way, towards the consolidation of farms, which is generally brought about by emigration. Before the famine the tendency to subdivision existed to a very great extent, but since then the opening afforded in the Colonies and the United States has exercised what I may call a centrifugal force upon the home population, and instead of subdividing the holding among the family one of the sons retains the farm and the others emigrate or adopt other employments. Of course subdivision would take place in some cases, but then the neighbouring tenant would buy the property of the man who was going away, and in that way it would tend rather to increase the size of the holding than otherwise.'

"60. Upon the evidence given upon these important questions your Committee are of opinion that it would be neither politic nor just to make any distinction in the class of tenants, to whom facilities to purchase their holdings should be given by the State; and that granting there exists in Ireland an immense number of small tenants, holding land of various extent below 30 acres, some of whom are small farmers living wholly by their land, others are agricultural labourers living mainly by their labour apart from their holdings, and others are in part supported or assisted by other members of their family working in the towns, at sea, or in service, it is equally important that all these classes should

should be brought within the range of the stimulus to industry and thrift caused by the feeling of security which ownership alone can give, and which would also raise their status in society, and make them more contented and loyal members of the State.

"61. The reports of Her Majesty's representatives abroad as to the state of land tenure in the various countries in Europe, presented to Parliament in 1869, show that almost every State in Europe has made exertions to create this very class of small proprietors, and that the almost universal result has been a very great success. These effects have not been confined to holders of a particular size, but to all classes, even the smallest; in Wurtemberg and some other States of Germany, facilities were given even to labourers to become proprietors of small holdings of from half an acre to one acre. O'Hagan, 2249-70.

"62. The most striking testimony borne in those reports, as to the result of such a widely distributed proprietorship upon the social condition of the rural population, and upon the relations of landlord and tenant of such land as is not cultivated by its owners, is that of Mr. Sackville West, in his report upon France, a country where it is said that 75 per cent. of the agricultural population are owners of land, and where one-half the land is in the occupation of such owners and the other half is let out by its owners to tenant farmers. Mr. West says: 'The small proprietor is seen under more advantageous circumstances in France than in any other country in Europe, for he has in fact been the creation of a system which, whatever may be urged against it, has reconstituted the rural economy of the nation, and more than doubled the product of the soil. His mode of life presents a striking illustration of the system, for it is based upon the proceeds of the land in which he has a direct personal interest, and he lives therefore as an independent member of society, raising according to his means and the social scale. . . . The condition of the small proprietors varies very much in the different departments, as also does the mode of cultivation, but they will generally be found in easy circumstances, and living always in the hope of bettering them; and it is this hope which absolute possession engenders that stimulates them to fresh exertions, beneficial not only to themselves, but to the community in general.'

259.

"The present relations between landlord and tenant in France resemble those which exist in Ireland, in so far as they are founded on the express or implied contract of the parties, and not upon tenure or service; the verbal agreement from year to year exists as well as the written contract, the conditions being established by law, and upon the strict fulfilment of which entirely depends the tenancy. Eviction can be operated upon any contravention of the lease, and compensation for improvements depends upon agreement, and constitutes no legal claim upon the landlord. From what has been said, therefore, it would almost seem that the Irish and French systems of land tenure were identical [the Report was written before the passing the Irish Land Act, 1870], and what has occurred, in the one case, discontent and agrarian outrage, has, in the other, been productive of social order and general contentment; but it must be borne in mind that 75 per cent. of the agricultural population in France are proprietors, and that the number of proprietors is still increasing. In this fact consists the difference—a difference depending upon the ownership of land by the masses as opposed to the ownership of land by a minority. Tenant-right and fixity of tenure from land occupation are phrases scarcely heard in France in connection with landed property, for the simple reason that there can be no such right or fixity of tenure which does not result from free and undisputed possession, and as such possession appertains in the majority of cases more or less to the tenant and labourer as well as the landlord, the disputed question which occupy attention as regards the Irish land question can scarcely ever arise in France. Proprietary rights can never be called in question.

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"63. Your Committee are of opinion that it is not unreasonable to look forward to similar results in Ireland from an increased proprietorship of land, and that the evils which Mr. West points out from the enforced sub-divisions and property in France on death of the owner, and the consequent marcellage of small holdings, may be avoided. Provided the freedom of willing be left without interference, your Committee do not think that there is any reason to fear the future sub-division of the small holdings which may be brought into existence by the facilities given by the State. The question may be safely left to the ordinary laws of supply and demand. Under a free system, with a simple and cheap system of transfer, the thrifty will buy out the unthrifty, and if there be a tendency to sub-divide in some cases, there will be the opposite tendency to consolidate in others, and the two forces may be left to balance one another. So long, however, as the state retains a mortgage on the property, it should have the ordinary right of a mortgagee of insisting upon the holding remaining in its integral state as security for the money advanced, and this will practically prevent sub-division or sub-letting for a period of 35 years.

"64. It is clear, from the evidence which has been given to your Committee by the officers of the Landed Estates Court and others, that even if such amendments be made in the Act, and in the practice of the departments concerned in administering it, as have been suggested, no great increase will be effected in the sales to tenants. The difficulty of the residues will still remain. It will still be seldom that tenants will have the opportunity of bidding separately for their holdings, and the examiners and the judges of the Landed Estates Court will still feel it difficult to act in opposition to the vendors of properties, or to exercise the discretion which was given to them by the Land Act of

putting up properties for sale in lots suitable for the tenants to buy. Judge Flanagan, one of the judges of the Landed Estates Court, says, 'The 48th section of the Irish Land Act is one which, in my opinion, it is almost impossible to work. I mean to work in the sense of enabling tenants to become purchasers of their holdings to any considerable amount. It has imposed upon the court a duty which it is almost impossible to work out.'

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546.

Vernon, 84.

302.

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"65. Various plans have been suggested to your Committee for the purpose of overcoming this difficulty, and for extending the operation of the Land Act in the evulsion of small ownerships. Mr. Vernon, after pointing out that it is impossible to expect any result from the clauses of the Land Act as now drawn, and that the duty imposed upon the Landed Estates Court, of selling preferentially to the tenants of land coming before them, is abnormal to their true functions and puts them in a false position, has said: 'Assuming that the Legislature desires to create a peasant proprietary, or a body of small proprietors, I think that whoever sells the property to the tenants must be in the position that the Church Temporalities Commissioners were put into; that is to say, they must have the absolute power. I think the property should vest in the State before it is conveyed to the tenant, and that the State should deal with the land as between itself and the tenant. I do not think it will ever work otherwise.' 'I think you must vest the property in the State; that means presumably in some Commission appointed by the State. I think that where an estate is for sale in the Landed Estates Court, it should be the duty of that Commission to send down a proper officer to report upon the value of the property, and upon the conditions under which it is held, and to see all the tenants and towns from whom what price they are prepared to give, if any, for their lots. If the tenants say, "We will not buy," then this imaginary Commission withdraws its action altogether, and leaves them to pass under the ordinary rules of sale to any purchaser who may be found. If, on the other hand, as I think will be found to be the case, the tenants declare to buy, then let it be for that Commission to see what price they will give. Add to that some fair small commission which shall cover the expenses of the transaction, and then let them become buyers in the open market from the vendor. They would then be in this position, that they would be able to offer the full value for the land. The vendor consequently would not be damaged in any way. The Landed Estates Court would have no conflicting duty at all; they would sell to the Commission precisely as they would to the outside public. I think that such a Commission would be able to offer a full fair price to any seller for his property, and could, without damage to anybody, except, perhaps, to the State, that has to pay the money in the first instance, sell, and raise a class of tenantry which never can be raised in any other way.'

"66. In the opinion of Mr. Vernon, the Commission thus appointed and invested with these duties should be independent both of the Landed Estates Court, the Office of Works, and of the Imperial Treasury; that it should be entrusted with funds for the purpose of buying properties in the first instance and re-selling them to the tenants, and that it should have a wide discretion as to the method of carrying out the details of such a plan, and not, therefore, be subject to the minute control of the Treasury.

"67. In this view he has suggested, that inasmuch as the use of Imperial funds would necessarily imply Imperial control, an effort should be made to find an Irish fund suitable for the purpose, and he points to the surplus of the Irish Church funds as a fund which might be made applicable to the purpose. It is stated by the Church Temporalities Commission in their Report of 1877, that the available surplus in 1870, when their functions ceased, will amount to about six millions. 'I think,' said Mr. Vernon, 'there ought to be no loss to the public; I think you have the funds available for it. You have a fine fund in Ireland which you do not know what to do with; some people want to send it to the lunatics; some here and some there; I suggest making a tenant proprietary with it. I think the measure would be more effectually worked if the funds could be drawn from an Irish source.'

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"68. Under such a scheme the Commissioners, having ascertained what proportion of tenants of a particular property are in a position to buy, and what margin of price would be offered by such tenants, and having formed an opinion whether the transaction could be carried out without loss, would buy the property either in the open market or privately from the owners; and having then become owners of the property, would sell to those tenants willing to buy, and dispose of the residue at the best price to be obtained in the market. It is the opinion of Mr. Vernon that the residue would in this way be reduced to a minimum, and that the possible loss upon the re-sale of the residue would be recouped by the higher price obtained from the individual tenants.

"69. Mr. Vernon contemplates, therefore, that no loss would be sustained by the funds of the Church temporarily used for this purpose. The funds of the Church would be invested in loans to the tenant-purchasers, and would ultimately be repaid with interest just as the money now loaned by the State is, or as the money now advanced by the Church Commissioners to the tenant-purchasers of the Church glebes. In lieu of using Imperial funds for the purpose, an Irish fund would be available, and therefore a wider discretion could be allowed to the Commission, who would be no longer subject to Imperial control, though still subject to Imperial audit.

"70. The Commissioners appointed with this object, would only act where they find that a certain proportion of the tenants of a particular property are prepared to purchase, and

and where they are of opinion that the residue could be disposed of so as to involve no loss by the transaction; and it is part of the suggestion of Mr. Vernon that the proportion to be advanced by way of mortgage to the tenant-purchasers should be the same as in the case of the Church Commission, viz., three-fourths, and that the prohibition against alienation should be removed, thus enabling those tenants who are unable to produce the balance of the purchase-money to borrow, if they can obtain credit.

"71. The scheme thus propounded by Mr. Vernon for getting over the many difficulties by which the intention of Parliament, as indicated by the clauses of the Land Act, have been extended, has received the support of other witnesses who have given evidence before the Committee, such as Major Dalton and Mr. O'Hagan.

"72. Judge Flanagan has also given an approval to the principal contained in Mr. Vernon's proposal. He says: 'My view is, that you will never have sales to tenants in any number until practically you adopt what I may call Mr. Vernon's suggestion; that is to say, you must sever altogether the duties of the court as selling on behalf of the owner from the duties of the court as selling to the tenants.' \* \* \* You must have, as Mr. Vernon put it, some persons who would, in the interests of the tenants, be prepared to come forward and buy 'a globe' from the owner of the property which he offers for sale, and then that body, call it what you like, should, under the powers to be given to them, re-distribute that property, and then sell it back to the tenants, if they had satisfied themselves by previous inquiry that such transaction would be a beneficial or a safe one on their part to undertake.' He considers such a method equally in the interest of the owners of property as of their tenants: 'In my opinion it is the only way in which you can protect the interests of owners of property, and it is the only chance you have of selling largely to tenants.'

"73. With this object Judge Flanagan proposes that all the jurisdiction which the Landed Estates Court has under the Land Act for facilitating the creation of small proprietors should be worked by one of the judges instead of two, as at present; that a body should be made up of one of the judges of the court, with the assistance of one of the Commissioners of the Board of Works, or of the Valuation Office, and some other person of great knowledge in the management of landed property in Ireland, and that this body should have the power of making all preliminary investigation in the case of any property for sale in the court, of ascertaining whether there are a great many tenants who wish to purchase or not, and whether, having regard to the number of those who wish to buy, and the amount of the residue the tenants of which could not buy, it would be a desirable transaction for them to enter upon. That they should then have the power of purchasing the property, either by private contract or at the auction, and, having done so, should re-distribute the estate among the tenants.

"74. The judge proceeds to point out that this process would leave a certain amount of residues to be dealt with, for there would generally be a certain number of tenants who would be unable or unwilling to purchase. He proposes to deal with the residues by giving power to the court to give to their tenants fee-farm grants, or perpetual leases, at such an increased rent as might appear to them reasonable; and that, having done so, they should sell their fee-farm rents by auction. 'My reason,' he adds, 'for suggesting that is this: I think that in dealing with these residues the difficulty is not so much selling the residues as really protecting the tenants of the residues, because where there are residues of this kind, and these residues are put up by public auction for sale, and bought, you get a class of purchasers and landlords whom I look upon as about the greatest curse you can inflict upon the country. I think the small landlords are, as a rule, the most tyrannical class; I hardly know what term to use; they look upon it purely as a mercantile transaction in the extreme sense of the term; their whole object is going in to buy these small residues being to extract from the unfortunate small tenants, who would have lost the protection of their former landlords, the very highest penny which by possibility they can extract from those tenants. I think that unless you protected the tenants of the residues by giving them fee-farm grants, in that way you would be doing an amount of injury which, in my opinion, would be simply incalculable. I fully believe that as the purchasers of these small residues (for I am pre-supposing that they would be comparatively small and undesirable, as being detached plots) you would get little shopkeepers who had made 200*l.* or 300*l.* in trade, and by lending money at usurious rate; 'gambeens,' we call them in the west; in every townland there is a man we call a 'gambeens,' and when a tenant gets into difficulties he lends his money at a most usurious rate. These men would become the landlords of the tenants; and I say, deliberately, that a greater curse cannot be inflicted upon the tenantry of Ireland than a system of selling property which would leave the residuary tenants in their power; they are the most merciless, the most avaricious, and the worst class of landlords that can by possibility be put over an unfortunate class of tenants.'

"75. The evidence of Judge Flanagan as to the difficulties which have prevented the operation of the Act is especially valuable as pointing to the expediency of giving such general power of purchase to a commission or department with the object of removing these difficulties. As an illustration, the difficulty caused by jointures, annuities, or rent-charges with which so many properties are burdened, and which would prevent such properties being divided for sale among the tenants, would only be disposed of by the purchase of Government annuities out of the proceeds of the sale to the tenants.

" 76. The judge further points out that, looking to the amount of property annually sold in the Landed Estates Court, there is no reason to expect that even if his and Mr. Vernon's proposals be carried out, the sales to tenants would be so numerous as to effect a revolution in the ownership of land in Ireland. It would have the effect of making a substantial addition to the number of small owners in Ireland; but it would be a reform in this direction, and not a revolution.

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" 77. The judge has also explained at length the obstacle to transactions under Part 2 of the Land Act, especially in the case of tenants for life, or limited owners who may be anxious to effect sales to the tenants; he suggests that such limited owners should have power to grant perpetuity leases to these tenants, either at an increased rent or at the same rent, upon payment of a fine, to be approved by the court in the interest of the reversioners, and he believes that many landowners would be glad to avail themselves of such a power.

Appendix 1.

" 78. The proposal of Mr. Vernon is not substantially different from a scheme which was put forward by a committee of influential Irishmen in 1868, before the disestablishment of the Irish Church, and before the Land Act was under consideration. The committee consisted, among others, of Judge Lawson, Judge Flanagan, Mr. Law, M.P., the late Attorney General, Mr. John O'Hagan, Q.C., Mr. McDonnell, the Examiner of the Landed Estates Court, Mr. Dix Hutton, and others. The scheme, which is to be found in the Appendix to the Evidence, proposed the use of the funds of the then Established Church for the purpose of creating a peasant proprietary. It proposed the appointment of a Commission, who should be empowered to buy landed properties as ordinary purchasers, in the open market, either on sales in the Landed Estates Court, or by private contract, such properties to be re-sold to the tenants, or to be granted on free-farm leases for ever to the tenants upon payment of a small fine, or at a somewhat increased rent, thus giving three alternative methods of dealing with the tenants of such properties. It was stated in such scheme that, 'the possibility of effecting the operation with ease and advantage to both tenants and owners must depend on the advances being made at a low rate of interest. This is demonstrated by the large and long-continued experience of Prussia, and the other leading States of Germany, where the Governments used their financial credit to facilitate the conversion of occupiers into owners.'

" 79. On the other hand, Mr. Baldwin, Chief Inspector of Agricultural Schools in Ireland, who has had considerable experience of the agricultural tenants in all parts of Ireland, is of opinion that a considerable proportion of them would find difficulty in advancing even one-fourth of the purchase-money without either selling some of the stock on the farm, which would be injurious to it, or without borrowing money from local solicitors, which would encumber them with debt at the first start as owners. He recommends that the State should advance the whole of the purchase-money, within reasonable limits as to value, repayable by instalments, at 3½ per cent. On being further questioned as to this, he added that it would not be desirable that the interest and repayments of capital to the State should exceed the rent previously paid to the landlord. The effect of this limitation would be, that if the present period of 35 years for the repayment of the principal be retained, the advance by the State could not exceed 20 years' purchase of the rental; and Mr. Baldwin, however, further suggests, that if the purchase-money exceeds 20 years' purchase of the rental, the term of repayment of the advance should be extended, so that the interest and instalments should not exceed the previous rent.

" 80. The following Table will explain this proposal:—

Rent.	Purchase Money.	Interest, at 3½ per Cent.	Sinking Fund.	Term of Sinking Fund, and Payable off at 3½ per Cent.
£.	£.	£.	£.	
10	200	7	2	25
10	210	7·37	2·45	27
10	220	7·7	2·8	29
10	230	8·03	3·05	31
10	240	8·4	3·3	33
10	250	8·75	3·55	35
10	260	9·10	3·80	37
10	270	9·45	4·05	39
10	280	9·80	4·30	41
				Upwards of 100 years.

" This Table shows how readily the plan of the Government loan, repayable by instalments spread over a term of years, lends itself to any scheme for converting tenancies into ownerships, and how great is the boon of such loans.

" 81. It

"81. It is probable that if the State were prepared to extend the repayment of the loan over 55 years, and to advance up to the point when the interest and instalments equal the previous rent, which would enable 25 years' purchase of the rental to be given, nearly every estate offered for sale in the Landed Estates Court could be purchased on these terms, and the tenants would at once, and without any effort on their part, be converted into owners, subject to the payment of sums equal to their previous rent, payable for a term of 55 years. The tenants of a property thus purchased would be treated upon the same terms as the landowners who redeem the tithe rent-charge upon their properties were dealt with under the Church Dissendowment Act, 1869.

"82. The objections to such a scheme are, that it would involve an exertion on the part of the tenants; that the period of repayment of the loan would be a very lengthy one, equal to the average of two generations; that in the meantime the relation between the State and the new owner would be very much that of landlord and tenant. There is an advantage in the shorter period of repayment in this, that every year a sensible portion of the principal is repaid, and every year therefore the interest of the new owner becomes greater, and the security of the State or lender safer; every year the owner will feel that he is rising more and more to the position of an unincumbered owner. If, through bad management the owner should fall into difficulties after a few years, the farm would in the meantime have acquired a substantial value, even apart from the tenant's interest, and public opinion would fully justify the assistance by the State, or by the Commission, of the payment of the instalments, or the sale of the property under process of law. Your Committee, therefore, think it is of importance to retain the shorter period of 34 years as the term over which the repayments of the advance are to be spread. It has been suggested that if a famine such as that of 1846 were to recur, and the State were to find itself in relation of mortgagee to a large number of small owners, there would be great difficulty in collecting the interest. Your Committee, however, are of opinion that it is not necessary to contemplate such a case. If such a calamity were to occur, involving the whole of the cultivators of the soil in one common misfortune, it would doubtless be necessary for the State to show consideration to the owners indebted to them, but this could easily be effected by spreading the repayments over a longer period of time so as to relieve the State for any temporary loss.

"83. The proportion of the advance to be made by the State is evidently of considerable importance. It has been stated by numerous witnesses that the difference between the three-fourths of the purchase-money conceded to the Church tenants, and the two-thirds, as provided by the Land Act, has prevented many purchases being effected under the latter Act. The Land Act when originally introduced in the House of Commons, proposed that three-fourths of the value might be advanced by the Board of Works, and the proportion was cut down to two-thirds in Committee. A general impression has prevailed in Ireland that three-fourths would be advanced, and great disappointment has often resulted on finding that the proportion was no more than two-thirds, and that even this was cut down by the principle on which the Board of Works estimated the value of the property at little more than one-half. Mr. Stack, of the Board of Works, who has been much consulted by tenants applying for information of the Board as to the terms of advance, has reported that great numbers of tenants have been obliged to abandon the idea of purchase on finding that the proportion to be advanced was so much less than they expected.

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"84. Mr. Hussey, an agent for very large properties in Cork, has also pointed out that the difference in the advance, if between two-thirds and three-fourths of the purchase-money, has had great effect in deterring transactions. He is of opinion that the State could with perfect safety advance even so much as four-fifths of the purchase-money. He puts the tenant's interest as worth, at the very lowest estimate, five years' purchase of the rental; and assuming that the property sells for 25 years' purchase of the rental with a tenant, it would sell for 30 years' purchase without a tenant, and he thinks that this is perfect security for a sum equal to 20 years' purchase of the rental; this would amount to four-fifths of the purchase-money given by the tenant.

"85. It is evident that just in proportion as the advance made by the State is increased, so the sale of the whole of a property to the tenants is facilitated, and the difficulty of the residue is diminished. Your Committee think that the advance by the State may, with perfect safety, be increased in all cases to three-fourths of the purchase-money, and that a discretion may even be given to the body entrusted with the work, in exceptional cases, to advance even beyond this, with the object of facilitating the disposal of residue, and of enabling the sale of a whole property or lot to be effected by the tenants; always, however, provided that the interest and instalments do not exceed the amount of the rent previously paid or the fair annual value of the holding.

"86. It has been already shown that in the case of the Church property where 25 years' purchase was given by the purchasing tenants, the interest and instalments at 4 per cent. upon three-fourths of the purchase-money, or 17 years' purchase, equalled the previous rent. Under the more favourable terms as regards the rate of interest of the Land Act, the Office of Works would be able to advance 20 years' purchase of the rental, or four-fifths of the purchase-money on 25 years' purchase; and the interest and instalments payable annually would still be no more than the previous rent.

" 87. With reference, however, to those financial proposals, much must depend upon the discretion of those who have ultimately to deal with the subject. Your Committee, in review of the many difficulties which have occurred in working the Act in the past, and the various suggestions which have been made for its amendment and extension, are strongly impressed with the expediency of concentrating in one body, whether a commission or an existing department, all the functions financial, legal, and administrative, which are now distributed between the Landed Estates Court, the Office of Works, and the Treasury. Between the proposal of Judge Flanagan of a re-constituted Landed Estates Court, and the association with one of its judges, of two other officers with special qualifications, and of Mr. Vernon's proposal for a new commission, there is no difference in principle. There are obvious advantages in utilising an existing department; on the other hand, it is difficult to understand how the Judge of the Landed Estates Court can act in one branch of the court in the interest of the owners of property, and in the other, in the interest of the tenants.

" 88. Both schemes involve such department or commission being entrusted with funds for carrying out the purchase and re-sale of properties; and for both, it has been urged as a condition of success, that such body should be entrusted with a wide discretion, and be freed as far as possible from the control of the Treasury. This would best be secured by obtaining such funds from some fresh source; and it is in this view that the proposal to allow the surplus funds of the Disestablished Church of Ireland to be temporarily invested in loans to tenants purchasing, and in the purchase of properties for the purpose of prompt re-sale, commends itself to attention; an application which would not interfere with the disposal at any subsequent time by Parliament, of the income arising from such surplus fund.

" 89. Your Committee consider, however, that it is not within their competency to recommend that the surplus of the Irish Church should be used for this purpose; they have not before them the alternative methods of appropriating this fund. They feel justified, however, in saying that if an Irish fund could be made available for the general purpose of extending ownership among the occupying farmers of Ireland, great advantage would result. It would bring under one executive body functions which are now distributed between the Landed Estates Court, the Board of Works, and the Imperial Treasury. It would also be of much advantage that the funds thus to be disposed of should be, while ample, limited and specific; and it would give great weight to the action of the Commission in insisting upon re-payment, that the funds were Irish, and that any diminution of them would be to the detriment of purely Irish interests. With respect to his scheme of purchase and re-sale, it might be that such a process would not often be necessary. The Landed Estates Court would still, as heretofore, on the sale of properties, break them up into lots, with the object of obtaining the best price for the owners; it would not be necessary, therefore, for the Commission to deal with the tenants of a whole estate, but only with the tenants of a particular lot.

" 90. If the experience of the Church Commissioners is to be relied on, the sale of residues, if properly conducted, would realise a fair price; and a proof of this by a few transactions would probably induce vendors in the Landed Estates Court more readily to listen to offers on behalf of the tenants who are prepared to buy at full prices. It is probable, therefore, that the Commission would not frequently be called upon to purchase properties with a view to the re-sale to the tenants, but the power and means of doing so would greatly add to the general success of their operations.

" In the cases, however, of properties or lots subject to rent-charges, annuities, or jointures, sales to the tenants, as already explained, can scarcely be expected in any other manner. It should be a condition to such purchase and re-sale that the transaction should be carried out without loss to the fund employed. The contents with the purchasing tenants might be so arranged as to make the amount of their annuities dependent on the sum obtained for the residues, so to provide against possible loss.

" 91. Apart, however, from the question as to the funds which may be made available for the purpose above indicated, your Committee are of opinion that it would be wise to appoint a special Commission (for a definite period, say of 10 years) for the purpose of effecting the objects of the Land Act in facilitating the creation of small proprietors of land in Ireland. The work must necessarily be tentative. The Commission would gradually feel its way. It would put itself in relation with tenants of properties about to be sold. It would advise them fully as to the intentions of the Legislature, and as to the nature of the advance. It would represent their interests in the Landed Estates Court. It would conduct negotiations for them with the owners of property. It would deal with residues in the manner proposed by Judge Flanagan. It would relieve tenant purchasers of law costs, and act as receivers of the interest and repayments of principal after the advance is made. It would be in a position to advise the Government from time to time of the difficulties which may arise in carrying out the scheme, and the best means of removing them. It would, through its solicitor, examine titles of properties offered to them for sale to tenants without the expense of going through the Landed Estates Court. It would work in the direction suggested by many of the witnesses of dealing with the subject of settled estates by enabling the limited owners thereof to convert their tenants into perpetuity tenants, on payment of a fine or at a small increase of rent. The Commission might have power to consent to such operations so as to bind the remaindermen of such entailed properties; though your Committee are not of opinion that the creation



creation of perpetuity tenants offers the same advantages as that of freeholders, subject to instalment mortgages.

" 92. Your Committee have also to suggest that, in the case of instalment mortgages, the occupiers should be allowed to pay off at any time parts of the debt due, so as to give them every encouragement to save with this object.

" 93. In view of the opinion given by Judge Flanagan as to the character of the purchasers of residues of properties unsold to the tenants, and the force which he has expressed as the treatment of the residuary tenants of the Church property, your Committee are of opinion that the Church Commissioners should be empowered to give perpetuity leases to the tenants of that portion of their property still remaining unsold.

" 94. Your Committee cannot conclude their Report without referring to the evidence of Dr. Hamcock as to the further measures which are necessary for the continued existence of a small proprietary when called into existence; such measures as were undoubtedly contemplated when the Irish Land Act was passed, for simplifying and lessening the cost of transfer of land, for creating local registries, and otherwise facilitating the mortgaging and dealing with land; measures also for simplifying the inheritance and devise of land, and for freeing it from the complication of settlements. These measures form no part of the inquiry of your Committee, but they feel it is right to observe that, just in proportion as the present state of the law in these respects has tended to prevent the existence of small owners in the past, so will it speedily undo the work which it is proposed to effect in creating small owners, through the intervention of State aid. It is above all important that small owners should be able to deal freely with their property without being overwhelmed with law costs. The subject, therefore, is eminently and urgently deserving the attention of the Legislature.

Hamcock, 100-45.

" 95. In conclusion, then, your Committee are of opinion—

" 1st. That in the present state of land ownership in Ireland, it is most desirable that facilities should be given by the State for the conversion of tenancies into ownerships by purchase; that the increase of small owners would tend to give stability to the social system, would spread contentment and loyalty, and would give a spur to industry and thrift.

" 2nd. That the experiment which has already taken place in this direction in the sale of the Church property to its occupying tenants, is eminently satisfactory, and shows that there is a great desire on the part of tenants to become owners by purchase, especially at the time when the land they occupy is changing hands, and there is a prospect of their being handed over to new landlords.

" 3rd. That as now framed and worked, the clauses of the Land Act, 1870, having this object in view, are wholly inadequate for the purpose, and are the cause of much disappointment, and that little better result is to be expected from them by such minor amendments as have been suggested, which will leave the administration of them divided between the Landed Estates Court, the Board of Works, and the Treasury.

" 4th. That it is desirable that a special Commission be constituted for a term of 10 years for the purpose of carrying out these objects, and that it should be entrusted with funds, by way of loan, for the purpose, and, if possible, from an Irish source.

" 5th. That a wide discretion should be given to the Commission for the purpose of effecting the object in view, whether by granting loans to purchasing tenants, repayable by instalments, or by the purchase and re-sale to tenants of properties or lots, where a large proportion of such tenants are willing and able to buy, and where a minority are unable to do so, or by granting perpetuity leases with a view to the disposal of such residues as recommended by Judge Flanagan.

" 6th. That the Commission should also be empowered to assent to the granting of perpetuity leases by the limited owners of entailed estates to their tenants, upon payment of a fine, or at such increased rent as may be reasonable, having regard to the interests of the reversioners.

" 7th. That the proportion of the purchase-money to be advanced on loan to tenants purchasing their holdings, be increased, subject to the approval of the Commission, to three-fourths of the value of such holdings, with a discretion to the Commission to exceed this proportion in special cases, with a view to complete the sale of the whole property to the tenants, so that the instalments payable annually shall not exceed the previous rent or annual letting value.

" 8th. That the restrictions against alienation, charging and devising of holdings subject to such annuities, be repealed, but that the prohibition against sub-division and sub-letting be vigorously maintained so long as the charge remains.

" 9th. That the Church Temporalities Commissioners be empowered to grant perpetuity leases at fair rents to such of the residuary tenants of the Church property as are unable to purchase their holdings.

" 10th. That the law of transfer of land be re-considered specially with reference to its effect upon the transactions in small holdings."

DRAFT REPORT, proposed by Mr. Heygate, read a first time, as follows:—

" 1. THAT what are called the 'Bright' Clauses of the Irish Land Act, under which sales of land are made to encumbering tenants, with assistance from the State, have not been largely used, nor produced the effect by some expected from them.

" 2. That this comparative failure has arisen from various causes, viz., the cost and difficulty of the various courts through which the land must pass; the inability of encumberers to accept a low price; the unwillingness of owners to sell their land at a sacrifice; the want of power on the part of tenants to find any material portion of the purchase-money; and the absence of more complete information to intending purchasers.

" 3. That, with the exception of some instances brought before the Committee, and in which the result was not satisfactory, there is an absence of all experience of the effect of small proprietorships in Ireland.

" The experiment, however, is now being tried on a larger scale in the sale of glebes, under the Irish Church Commissioners, upon easier terms, the Commissioners being hampered by no restrictions as to value and site, or by difficulties as to encumbrances, &c.

" 4. That although it was admitted that about 800 out of 5,243 sales of glebe farms sold, up to 1st January 1878, were not sold to *bona fide* tenants, and the sales to a very large extent having been in Ulster only, still the number remaining to be sold, together with those already disposed of, will afford considerable opportunity of estimating the result in a few years, if an accurate inquiry is then made into the condition of the new proprietors. The four last cases in various counties quoted by the value of the Church Temporalities Commissioners, and others alluded to by the Chairman (Q. 452, &c.), appear to be insufficient to prove any general result.

" 5. All the witnesses concur in the general advantage to Ireland of a larger number of owners of land, but it has been also strongly urged that they should be of a class likely to be solvent and continuous.

" Much difference of opinion prevails as to the advisability of a limitation in point of size and value being placed upon those farms, the purchase of which by the occupier should be assisted by the State.

" On the whole, however, if the fund to be loaned for the purpose is a national one, it would appear undesirable as well as unjust to draw any line of demarcation or exclusion.

" 6. The artificial creation of encumbered proprietors must be a question of doubtful benefit, and, if created by the State, it involves an additional danger in the event of adverse seasons rendering the payment of the annual instalment of principal and interest difficult. The advance of a larger proportion of the purchase-money by the State, as many witnesses have suggested, would therefore render the experiment still more hazardous.

" 7. The Committee have failed to obtain any satisfactory evidence of the value of tenant right, which appears to be based less upon intrinsic value than upon competition, and to depend much upon accidental and local causes, as well as upon the continuance of agricultural prosperity. Tenant right, therefore, even if not already encumbered, as is often the case, would hardly be a reliable security for Government loans.

" 8. Although the general condition of the Irish farmer is vastly improved, his requirements as to food and clothing greater than of old, consequently his wish to remain on the paternal farm diminished; still that farm, if held in fee, would have risen in far larger proportion.

" The value being so great, it would be impossible to restrain a peasant proprietor, in justice to his other children, from either at his death subdividing amongst them, or so charging the farm with portions for the rest, that the successor in the occupation would be heavily embarrassed and probably obliged to sell.

" The Committee consider also:—

" 9. That the climate of Ireland, and general circumstances of the country, with the exception as to the latter of portions of Ulster, present a marked contrast to those of most of the Continental countries in which peasant ownership chiefly prevails.

" The greater variety of crops possible on the Continent arising from a warmer and drier climate, the nearer and larger markets, the frugal and laborious industry of the people, their habits of self-denial, extend to small owners in those countries advantages which are not found in Ireland to an equal degree.

" Neither can the fact be omitted, that, whether from emigration, or the smallness of families, the population in those countries is generally stationary, if not decreasing.

" 10. That anything like a large extension of small proprietorships must be attended by increased centralization of government, as is the case on the Continent.

" The great want of Ireland already consists in that of a larger class capable, from means and education, of performing the social duties of the country free from local prejudice, and the fear of consequences.

" 11. The

" 11. The Committee have not had any sufficient evidence to explain the principle upon which the credit of Government in other countries has been used, if such has been the case, to enable tenant farmers to become proprietors. Nor does the Committee understand that it has been practised in France, Belgium, Holland, or Italy; the three first, countries of small proprietors, though still containing many tenant farmers.

" In Prussia a system of land banks was formerly in existence; but in Bavaria, in 1848, bonds were issued at the expense of the State to enable the occupiers to buy out the feudal rights and interests of the landlords.

" In Russia the emancipation of the serfs was partly accomplished by bonds charged upon the lands, guaranteed by the State, and paid to the former landlords.

" In the absence of satisfactory precedents for the creation by the State of peasant proprietors, should a longer experience prove the social and political result to be worth the trial, the Committee strongly deprecate making the State the general creditor, as a proceeding unsound in principle and practice.

" The same objection, however, does not apply to loans made for the purpose by a corporate body, or by trustees bound by statute, independent of the Government, and not administering Government money. It has been suggested that the surplus of the late Church of Ireland, as it gradually accrues, may be safely employed in making the experiment.

" The Committee would, however, prefer that the matter should be left to natural means, to be effected either by the private resources of the purchasers, or assisted by money lent by individuals or private institutions, every facility being at the same time given for the cheap and easy transfer of land.

" 12. It has been abundantly proved to the Committee that the general valuation of Ireland is most unequal, and is no guide to the present value of land either for letting or selling purposes.

" It was made about 25 years ago upon a scale of prices of agricultural produce and labour now completely altered. It is therefore a fallacious guide as to the value at which land is offered or sold, or as to the extent or value of the security upon which loans upon landed property may be safely made. The Committee are of opinion that a Government measure for the valuation of Ireland, based on the real letting value, should be introduced without delay."

#### DRAFT REPORT, proposed by Mr. Parnell, read a first time, as follows:—

" 1. By Order of Reference of the 1st May 1877, your Committee were directed 'to inquire into the working and results of the 44th, 45th, and 47th clauses of the Irish Land Act, 1870, and to report whether any further facilities should be given for promoting the purchase of land by occupying tenants.' Your Committee have accordingly taken evidence during the latter part of last Session and during the current Session, and this evidence has been laid before your honourable House.

" 2. That, from the passing of the Land Act, 1870, to the close of the year 1878, 805 tenants availed themselves of the provisions of the Act, and purchased their holdings in the Landed Estates Court. The gross purchase-money of such sales was 598,075*l.* s*s.* 4*d.* The area of the holdings so bought was—

" Under 10 acres - - - - -	91
10 and under 15 acres - - - - -	49
15 and under 20 acres - - - - -	54
20 and under 30 acres - - - - -	50
30 and under 50 acres - - - - -	128
50 and under 100 acres - - - - -	169
100 acres and upwards - - - - -	84
	<hr/> 605

" 3. That only 19 of such sales were effected under the second part of the Land Act.

" 4. That, by the 3rd section of the 1st clause of the Landlord and Tenant Amendment Act, 1872, the Board of Works were authorised to advance money to tenant-purchasers in cases where the sales were not had in the Landed Estates Court.

" 5. That 35,010*l.* has been so advanced to 47 tenant-purchasers.

" 6. That by the 54th clause of the Land Act, 1870, the Treasury were authorised to advance for the purposes of the Act a sum not exceeding 1,000,000*l.*

" 7. That up to 31 March 1878, the total amount of such advances was 416,803*l.*; and it is estimated that there is still a sum of about 583,196*l.* available for the purpose of the Act.

"8. That it appears from the evidence laid before your Committee that the purchase-money, or value of the estates, of all interests and tenures sold in the Landed Estates Court in each year may be estimated at about 1,200,000 l.

"9. That the value of the portion of such estates upon which, if sold to occupying tenants, the Board of Works are authorised to make advances, may be estimated at 800,000 l. That this estimate includes demesne lands, and lands in the occupation of owners.

"10. That of this 800,000 l. only about 400,000 l. represents lands held in fee-simple, subject only to quit-rent and tithe-rent charge.

"11. That a very large proportion of the estates offered for sale in the Landed Estates Court are held under fee-farm grants and leases for long terms.

"12. That the apportionment of the rents reserved by these grants and leases, and the conditions of sale as to indemnities consequent thereon, have increased the inconvenience and expense of dividing such estates into smaller lots.

"13. That many of these estates are subject to annuities and jointures, and the effect of the charging orders in respect of loans to tenants is to displace the priority of such annuities, and, in the case of sale or forfeiture, to destroy them. Obstacles have arisen in the making of advances to tenants upon such estates, inasmuch as these advances prejudice the security of such annuities.

"14. That the existing state of the law in respect of rights of common, rights of way, and other easements affecting estates sold in the Landed Estates Court, has enhanced the expense of carrying out sales to tenants in that Court.

"15. That the cost of investigating the titles of estates, both of landlord and tenant, and the impediments to the application of the purchase-money in the cases of settled estates, or estates subject to encumbrances, have retarded the working of the second part of the Act.

"16. That on many estates the tenants hold their farms in rundale and in detached plots, and in such cases the difficulties in letting have been much increased.

"17. That your Committee have no doubt that many tenants have failed to make use of the advantages offered them by the Act for want of information as to the terms upon, and the amounts for which loans could be obtained by them, and that the strictness of the prescribed conditions, especially the clauses against alienation and mortgaging, have prevented others from endeavouring to acquire the fee-simple of their holdings.

"18. That upon the occasion of sales in the Landed Estates Court many of the tenants are found to be desirous and ready to bid for their holdings, but that many others are unable or unwilling to do so. That in such cases the formation of lots to facilitate purchases by individual tenants, cannot be in many instances carried out without detriment to the selling value of the residues of such estates.

"19. That for the purpose of removing difficulties which have hitherto interfered with the working, and restricted the results, of those clauses of the Land Act into which your Committee were directed to inquire, and with a view to giving a fairer trial to the experiment of promoting the purchase of land by occupying tenants, your Committee beg to suggest the following amendments in the provisions and administration of the law upon this subject.

"20. That the provisions of the 36th clause of the Land Act, 1870, as to rights of common, rights of way, and other easements, should be extended to all conveyances made by the land judges, and that the law generally relating thereto should be amended.

"21. That the rights of annuitants and jointresses upon estates sold to tenants, should not be affected by the charging order, and that all advances made to tenant purchasers should be prime to any annuities or jointures subject to which the lands may have been sold.

"22. That the restrictions against alienations and assignments during the continuance of the loan should be repealed, but that the restrictions against sub-division and sub-letting should be rigorously maintained.

"23. It has been represented to your Committee that, notwithstanding the terms of the 45th clause of the Act of 1870, the Board of Works have, under the provisions of the Amendment Act of 1872 (cap. 32, sub-clause one) power to advance any sum not exceeding two-thirds parts of the value of the holding as assessed by the Board. Your Committee are of opinion that, as a general rule, unless in the case of an exceptionally high rate of purchase being given by the tenant, three-fourths of the purchase-money might be advanced by the Board.

"24. Your Committee recommend that the benefits of the 47th Clause of the Act of 1870 should be extended to cases in which the tenants representing only one-half the value

value of each townland on any estate are willing to purchase, and that these provisions should be applicable to sales under Part III. of the Act.

"25. That in the cases of sales in the Landed Estates Court, the land judges should have the power of sanctioning fee-farm grants by owners to tenant purchasers, and that for the purchase of the interest to be acquired by the tenant under such grant, the Board of Works might make advances, to be secured as a first charge upon the lands.

"26. That while it is desirable that there should be no severance of the ownership and occupancy of the holdings purchased with the aid of the public funds, it would facilitate the working of the second part of the Land Act if the conveyance under it, as in all other cases under the Landed Estates Act, were made subject to the subsisting lease to the tenant.

"27. Your Committee are of opinion that it is not desirable that advances should be made to tenants holding in Ransale, or (without the special direction of the land judges) to tenants holding in detached plots, but that upon the sale of estates so held, the land judges should have power, upon the application of such tenants, and for the purpose of carrying out a sale to them, to partition such holdings between them.

"28. That portions of many of the estates offered for sale comprise large tracts of bog and unenclosed land, upon which tenants have, as appurtenant to their holdings, rights of turbary. That in some cases these bogs have been sold and conveyed to tenant purchasers in undivided shares. Your Committee are of opinion that, while preserving to the tenants any rights of turbary heretofore enjoyed by them, it would be more beneficial that these tracts of unenclosed land should be sold in their entirety, and thus facilities would be given for the gradual reclamation of such land and the redivision of it amongst the adjoining tenant purchasers.

"29. Your Committee deem it to be very desirable that, wherever a property coming for sale in the Landed Estates Court is so situated that tenant occupiers thereof might, under the clauses of the Land Act, become purchasers of their holdings, it should be the duty of an officer appointed for the purpose, and acting under the directions of the court, or of the Board of Works, to visit the lands and personally explain to such tenants the advantages offered to them by the Act, and afterwards give them, as far as possible, advice and assistance in obtaining the necessary advances from the Board of Works, and otherwise in effecting the purchase of their holdings, should they desire to do so.

"30. Your Committee recommend that the 53rd Section of the Land Act should be repealed, and that the land judges, with the concurrence of the Treasury, should frame a code of rules and directions for the carrying out of the sales to tenant purchasers, and generally to regulate the proceedings to be taken by the Board of Works under the 46th and other sections of the Act. That these rules and directions should provide for the circulation by the Board, amongst tenants of estates ordered to be sold, of extracts from such rules and directions. And further, that such rules and directions should contain a moderate scale of costs applicable to all proceedings by the Board of Works on behalf of tenant purchasers. That such rules should be laid before Parliament, and have the same force as the Act until varied by rules framed under the like authority.

"31. It has been suggested to your Committee that funds should be entrusted to some existing public functionary, or to a Commission appointed for the purpose, for the purchase and re-sale of estates to occupying tenants and others. Your Committee see serious objections to such a proposal, and are not prepared to recommend its adoption.

"32. Evidence has been laid before your Committee in reference to the lessening of the costs of the transfer of land generally in Ireland, as bearing upon the question of the creation of tenant proprietors.

"Your Committee are aware that a Royal Commission has been appointed to inquire and report upon the laws relating to the registration of titles and land in Ireland, and therefore your Committee have not deemed it advisable to make any report upon the subject."

MOTION MADE, and Question proposed, That the Draft Report proposed by the Chairman be now read a second time, paragraph by paragraph—(Mr. Law); Amendment proposed to leave out the words "The Chairman," in order to insert the words "Mr. Plunket"—(Mr. Breen);—instead thereof.—Question put, That the words "The Chairman" stand part of the Question.—The Committee divided:

Ayes 9.

Mr. John Bright  
Sir Joseph M'Kenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Errington.  
Mr. Molden.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Noes 11.

Viscount Crichton.  
Mr. Breen.  
Mr. Heygate.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Vernon.  
Sir Walter Barttelot.  
Mr. Wilson.  
Sir John Leslie.  
Mr. Chaine.  
Colonel Taylor.

Question put, That the words "Mr. Plunket" be there inserted.—The Committee divided:

Ayes 11.

Viscount Crichton.  
Mr. Breen.  
Mr. Heygate.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Vernon.  
Sir Walter Barttelot.  
Mr. Wilson.  
Sir John Leslie.  
Mr. Chaine.  
Colonel Taylor.

Noes 9.

Mr. John Bright.  
Sir Joseph M'Kenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Errington.  
Mr. Molden.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Main Question, as amended, put—Resolved, "That the Draft Report proposed by Mr. Plunket be now read a second time, paragraph by paragraph."

Adjourned till Wednesday next, at Twelve o'clock.

Wednesday, 26th June 1878.

## MEMBERS PRESENT:

MR. SHAW LEEFVERE in the Chair.

Mr. Plunket.  
Mr. Heygate.  
Mr. Chaine.  
Mr. Law.  
Mr. Wilson.  
Viscount Crichton.  
Major Nolan.  
The O'Connor Don.  
Mr. Breen.

Mr. Errington.  
Mr. Plunkett.  
Mr. Fay.  
Sir Joseph M'Kenna.  
Sir John Leslie.  
Mr. Richard Smyth.  
Mr. Vernon.  
Mr. Molden.

Draft Report, proposed by Mr. Plunket, read a second time, paragraph by paragraph.

Paragraph 1, amended by adding at the end thereof the words, "Having carefully considered this evidence, your Committee are of opinion that it is very desirable that further facilities should be given for the purchase by tenants of the fee-simple of their holdings"—(Mr. Law).

Another Amendment proposed, after the last Amendment, to add the words, "Your Committee find that there is a general desire on the part of the tenantry of Ireland to become absolute owners of their farms"—(Mr. Law);—Question proposed, That those words be there added.—Amendment proposed to the proposed Amendment, after the word "that," to insert the words "when estates are offered for sale"—(Mr. Heygate).—Question put, That those words be inserted in the proposed Amendment.—The Committee divided:

Ayes, 8.

Viscount Crichton.  
Mr. Breen.  
Mr. Heygate.  
Mr. Plunket.  
Mr. Plunkett.  
Sir Joseph M'Kenna.  
The O'Connor Don.  
Sir John Leslie.

Noes, 7.

Major Nolan.  
Mr. Wilson.  
Mr. Errington.  
Mr. Chaine.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Amendment

Amendment as amended added to the paragraph.

Another Amendment proposed, at the end of the last Amendment, to add the words, "and they believe that a substantial increase in this way, in the number of small proprietors, would give stability to the social system, and would tend to spread contentment, and promote industry and thrift amongst the Irish peasantry"—(The Chairman).—Question proposed, That those words be there added.—Amendment proposed to the proposed Amendment, to leave out the word "small," in order to insert the word "solvent"—(Mr. Plunkett).—instead thereof.—Question put, That the word "small" stand part of the proposed Amendment.—The Committee divided:

Ayes, 8.  
Sir Joseph McKenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Wilson.  
Mr. Brington.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Noes, 7.  
Viscount Crichton.  
Mr. Breen.  
Mr. Heygate.  
Mr. Plunkett.  
Mr. Plunkett.  
Sir John Leach.  
Colonel Taylor.

Question put, That the proposed words be added to the paragraph.—The Committee divided:

Ayes, 8.  
Sir Joseph McKenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Wilson.  
Mr. Brington.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Noes, 7.  
Viscount Crichton.  
Mr. Breen.  
Mr. Heygate.  
Mr. Plunkett.  
Mr. Plunkett.  
Sir John Leach.  
Colonel Taylor.

Paragraph, as amended, *agreed to*.

Paragraph 2, amended, and *agreed to*.

Paragraphs 3—4, *agreed to*.

Paragraphs 5 and 6, amended, and *agreed to*.

Paragraphs 7—9, *agreed to*.

Paragraph 10, *disagreed to*.

Paragraphs 11—17, amended, and *agreed to*.

Paragraph 18 read.—Amendment proposed to leave out from the word "That" to the end of the paragraph, in order to add the words "for the purpose of effectually promoting the purchase of land by occupying tenants, your Committee are of opinion that, with respect to the sale of estates by the Land Judges of the High Court of Justice, and lands are usually thus sold in Ireland, some provision must be made to meet what the evidence shows to be the fundamental difficulty of the present system; that is to say, the difficulty, if not impossibility (even in rare instances), of forming the lands into lots to suit the tenant purchasers, and at the same time paying due regard to the interests of those whose property is being sold through the Court. So long as these practically inconsistent duties continue to be imposed on one and the same functionary, your Committee believe that no substantial results can reasonably be expected from the clauses of the Irish Land Act to which their inquiry has been directed. They, therefore, think that whilst leaving to one body the function of selling to the best advantage such estates as may be offered for sale, another distinct and equally independent body should be constituted, specially charged with the duty of superintending and facilitating the purchase of their several farms by the occupying tenants. Your Committee accordingly beg to recommend that some properly constituted body should be entrusted with sufficient funds to enable them to purchase suitable estates, or parts of estates, when offered for sale, with the view of afterwards selling to as many of the tenants as, with the aid of advances through the Board of Works, may be able and willing to buy; and disposing of the residues (if any) at such times and in such manner as they may think will be most productive"—(Mr. Law).—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

*Ayes, 7.*  
 Viscount Crickton.  
 Mr. Bruen.  
 Mr. Heygate.  
 Mr. Plunket.  
 Mr. Vernon.  
 Sir John Leslie.  
 Colonel Taylor.

*Noes, 11.*  
 Mr. Plunkett.  
 Sir Joseph M'Kenna.  
 Major Nolan.  
 The O'Connor Don.  
 Mr. Wilson.  
 Mr. Errington.  
 Mr. Chaine.  
 Mr. Maldon.  
 Mr. Law.  
 Mr. Richard Smyth.  
 Mr. Fay.

Question put, That the proposed words be added instead thereof.—The Committee divided:

*Ayes, 10.*  
 Mr. Plunkett.  
 Sir Joseph M'Kenna.  
 Major Nolan.  
 The O'Connor Don.  
 Mr. Wilson.  
 Mr. Errington.  
 Mr. Maldon.  
 Mr. Fay.  
 Mr. Law.  
 Mr. Richard Smyth.

*Noes, 8.*  
 Viscount Crickton.  
 Mr. Bruen.  
 Mr. Heygate.  
 Mr. Plunkett.  
 Mr. Vernon.  
 Sir John Leslie.  
 Mr. Chaine.  
 Colonel Taylor.

Paragraph, as amended, agreed to.

Paragraph 19 amended, and agreed to.

Motion made, and Question put, That the Committee do now adjourn.—(Mr. Plunkett).—The Committee divided:

*Ayes, 10.*  
 Viscount Crickton.  
 Mr. Bruen.  
 Mr. Plunkett.  
 Mr. Plunkett.  
 Mr. Vernon.  
 The O'Connor Don.  
 Mr. Wilson.  
 Sir John Leslie.  
 Mr. Chaine.  
 Colonel Taylor.

*Noes, 8.*  
 Mr. Heygate.  
 Sir Joseph M'Kenna.  
 Major Nolan.  
 Mr. Errington.  
 Mr. Maldon.  
 Mr. Fay.  
 Mr. Law.  
 Mr. Richard Smith.

[Adjourned accordingly till To-morrow, at Twelve o'clock.]

*Thursday, 27th June 1878.*

# MEMBERS PRESENT:

Mr. SHAW LEEVEY in the Chair.

Major Nolan.  
 Mr. Richard Smyth.  
 Mr. Law.  
 Mr. Heygate.  
 Mr. Plunkett.  
 Sir Joseph M'Kenna.  
 The O'Connor Don.  
 Mr. Bruen.  
 Viscount Crickton.  
 Mr. Wilson.

Mr. Vernon.  
 Mr. Fay.  
 Mr. Plunkett.  
 Sir John Leslie.  
 Mr. Maldon.  
 Mr. Errington.  
 Mr. Chaine.  
 Mr. John Beight.  
 Colonel Taylor.

New paragraph (proposed by the Chairman) added to the Draft Report.

*Amendment*



Amendment proposed to insert the following new paragraph:—

Your Committee have been informed that a Commissioner lately appointed to inquire into the administration of the Board of Works have suggested important reforms in that office, and they would suggest that, if Parliament should adopt the proposals contained in the foregoing paragraphs, the Board of Works might be reconstituted so as to enable it to discharge among its other duties those above indicated.—(Mr. Wilson).—Question put, That this paragraph be inserted in the proposed Report.—The Committee divided:

Ayes, 10.  
Viscount Crichton.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Vernon.  
Major Nolan.  
Mr. Wilson.  
Mr. Errington.  
Sir John Leslie.  
Mr. Chaine.  
Mr. Fay.

Noes, 5.  
Mr. John Bright.  
The O'Connor Don.  
Mr. Meldon.  
Mr. Law.  
Mr. Richard Smith.

Amendment proposed, after the above paragraph to insert the following words, "and that the Chairman or other principal officer of the Board of Works when so remodelled, should be a member of Her Majesty's Government, and shall have a seat in the House of Commons".—(Mr. Wilson).—Question put, That those words be there inserted.—The Committee divided:

Ayes, 5.  
Mr. Plunket.  
Mr. Vernon.  
Mr. Wilson.  
Mr. Chaine.  
Mr. Fay.

Noes, 11.  
Viscount Crichton.  
Mr. John Bright.  
Mr. Plunkett.  
Sir Joseph McKenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Errington.  
Sir John Leslie.  
Mr. Meldon.  
Colonel Taylor.  
Mr. Law.

Paragraph 20, amended, and agreed to.

Paragraph 21.—Amendment proposed, at the end of the paragraph to add the words "and that the Court should have power to apportion these annuities and jistures over the several lots".—(Major Nolan).—Question, That those words be there added,—put, and negatived.—Paragraph agreed to.

Paragraph 22, agreed to.

Paragraph 23, amended.—Amendment proposed, to leave out the words "as a general rule," in order to insert the words, "That the proportion of the purchase-money to be advanced on loans to all tenants purchasing their holdings, be increased to a sum equal to four-fifths of the purchase-money paid for their holdings, with a discretion to the Commissioners to increase this proportion in special cases".—(Mr. Wilson).—instead thereof.—Question put, That the words proposed to be left out stand part of the paragraph.—The Committee divided:

Ayes, 7.  
Viscount Crichton.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Vernon.  
The O'Connor Don.  
Sir John Leslie.  
Colonel Taylor.

Noes, 7.  
Major Nolan.  
Mr. Wilson.  
Mr. Errington.  
Mr. Chaine.  
Mr. Meldon.  
Mr. Fay.  
Mr. Richard Smyth.

Whereupon the Chairman declared himself with the Ayes.

Another Amendment proposed, to leave out the words "three-fourths," and to insert the words "four-fifths"—(Major Nolan).—instead thereof.—Question put, That the words "three-fourths" stand part of the paragraph.—The Committee divided:

Ayes, 6.	Noes, 8.
Viscount Crichton.	Major Nolan.
Mr. Plunket.	The O'Connor Don.
Mr. Plunkett.	Mr. Wilson.
Mr. Verner.	Mr. Errington.
Sir John Leslie.	Mr. Chaine.
Colonel Taylor.	Mr. Meldan.
	Mr. Fay.
	Mr. Richard Smyth.

Question put, That the words "four-fifths" be inserted instead thereof.—The Committee divided:

Ayes, 8.	Noes, 6.
Major Nolan.	Viscount Crichton.
The O'Connor Don.	Mr. Plunket.
Mr. Wilson.	Mr. Plunkett.
Mr. Errington.	Mr. Verner.
Mr. Chaine.	Sir John Leslie.
Mr. Meldan.	Colonel Taylor.
Mr. Fay.	
Mr. Richard Smyth.	

Another Amendment proposed, at the end of the paragraph to add the words "so that the instalment payable annually shall not exceed the previous rent or letting value"—(The Chairman).—Question, That these words be there added,—put, and negatived.—Question put, "That the paragraph, as amended, stand part of the proposed Report."—The Committee divided:

Ayes, 9.	Noes, 5.
Major Nolan.	Viscount Crichton.
The O'Connor Don.	Mr. Plunket.
Mr. Wilson.	Mr. Plunkett.
Mr. Errington.	Mr. Verner.
Sir John Leslie.	Colonel Taylor.
Mr. Chaine.	
Mr. Meldan.	
Mr. Fay.	
Mr. Richard Smyth.	

Paragraph 24, amended.—Amendment proposed, at the end of the paragraph to add the words, "Also whereon any lot some, but not the whole, of the tenants are willing and able to purchase their holdings; if the tenants able and willing to purchase hold land equalling or exceeding in annual letting value two-thirds of the whole letting value of the lot, then the authorities having the management of the sale may allow the majority of the tenants, or one or more of them, to purchase the holdings of the minority, subject to all the previous claims of the minority as tenants, and also subject to such leases as the authorities having the management of the sale may think fit to accord"—(Major Nolan).—Question, That these words be there added,—put, and negatived.—Paragraph, as amended, agreed to.

Paragraph 25, amended.—Question put, "That the paragraph, as amended, stand part of the proposed Report."—The Committee divided:

Ayes, 11.	Noes, 3.
Mr. Plunket.	Viscount Crichton.
Mr. Plunkett.	Mr. Heygate.
Major Nolan.	Mr. Verner.
The O'Connor Don.	
Mr. Wilson.	
Mr. Errington.	
Sir John Leslie.	
Mr. Chaine.	
Mr. Fay.	
Mr. Law.	
Mr. Richard Smyth.	

Paragraph 26, agreed to.

Paragraph 27, amended.—Amendment proposed in the third line, to leave out the words, "to

"to tenants holding in detached plots"—(Major Nolan).—Question put, "That those words stand part of the paragraph."—The Committee divided:

Ayes, 12.  
Viscount Crichton.  
Mr. Heygate.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Verner.  
The O'Connor Don.  
Mr. Wilson.  
Mr. Errington.  
Sir John Leslie.  
Mr. Chaine.  
Mr. Meldin.  
Mr. Fay.

Noes, 3.  
Major Nolan.  
Mr. Law.  
Mr. Richard Smyth.

Paragraph further amended, and agreed to.

Paragraph 28.—Question put, That this paragraph stand part of the proposed Report.—The Committee divided:

Ayes, 13.  
Viscount Crichton.  
Mr. Bruen.  
Mr. Heygate.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Verner.  
The O'Connor Don.  
Mr. Wilson.  
Mr. Errington.  
Sir John Leslie.  
Mr. Chaine.  
Mr. Meldin.  
Mr. Richard Smyth.

Noes, 3.  
Major Nolan.  
Mr. Fay.  
Mr. Law.

Paragraphs 29, 30, and 31, disagreed to.

Paragraph 32, amended.—Amendment proposed, at the end of the paragraph to add the words, "Your Committee is of opinion that the minimum of cost can ultimately be only reached by a compulsory system of land registration; but that until this is adopted, the Legislature might in many ways cheapen the present cost of transfer, and that such a course is highly desirable"—(Major Nolan).—Question, That those words be there added,—put, and negatived.

Amendment proposed to insert the following new paragraph:—"That the precedent set in Prussia of the formation of lands worked by private individuals, but assisted and encouraged by State concessions, and by legislation, in their aim of aiding the tenant to purchase his holding, is one of considerable importance, and we recommend that the House should view with favour the establishment of private companies constituted on a commercial basis, and initiated with the object of assisting the tenants to purchase their holdings"—(Major Nolan).—Question, That this paragraph be inserted in the proposed Report,—put, and negatived.

Amendment proposed to insert the following new paragraph:—"That the Treasury be authorised to issue to the Board, for the purposes of the Act, at such times and in such manner as the Treasury may determine, a further sum of 1,600,000 L. out of the Consolidated Fund"—(Mr. Chaine).—Question, That this paragraph be inserted in the proposed Report,—put, and negatived.

Amendment proposed to insert the following new paragraph:—"That the Church Temporalities Commissioners be empowered, in case of occupying tenants purchasing their holdings, to leave the whole of the purchase-money outstanding; and that this purchase-money shall be payable by 52 annual instalments, each instalment amounting to 4 L. 9 s. per centum of the original purchase-money. That the Church Temporalities Commissioners be empowered to grant perpetuity leases at fair rents to such of the residing tenants of the Church property as are unable or unwilling to purchase their holdings"—(Mr.

(*Mr. Meldon*).—Question put, That this paragraph be inserted in the proposed Report.—  
The Committee divided:

Ayes, 6.  
Major Nolan.  
Mr. Wilson.  
Mr. Errington.  
Mr. Meldon.  
Mr. Fay.  
Mr. Richard Smyth.

Noes, 8.  
Viscount Crichton.  
Mr. Brien.  
Mr. Heygate.  
Mr. Plunkett.  
Mr. Plunkett.  
Mr. Verner.  
Sir John Leslie.  
Mr. Law.

Amendment proposed to insert the following new paragraph:—"That the Church Temporalities Commissioners be empowered to grant perpetuity leases at fair rents to such of the residuary tenants of the Church property as are unable to purchase their holdings"—(*Mr. Errington*).—Question put, That this paragraph be added to the proposed Report.—The Committee divided:

Ayes, 7.  
Major Nolan.  
Mr. Wilson.  
Mr. Errington.  
Mr. Meldon.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Noes, 8.  
Viscount Crichton.  
Mr. Bruce.  
Mr. Heygate.  
Mr. Plunkett.  
Mr. Plunkett.  
Mr. Verner.  
Sir John Leslie.  
Mr. Chaine.

Question, That this Report, as amended, be the Report of the Committee to the House,—put.—The Committee divided:

Ayes, 8.  
Mr. Plunkett.  
Major Nolan.  
Mr. Wilson.  
Mr. Errington.  
Mr. Meldon.  
Mr. Fay.  
Mr. Law.  
Mr. Richard Smyth.

Noes, 3.  
Mr. Heygate.  
Viscount Crichton.  
Sir John Leslie.

*Ordered*, To Report, together with the Minutes of Evidence and an Appendix.

## EXPENSES OF WITNESSES.

NAME OF WITNESS.	Profession or Condition.	From where Summoned.	Number of Days absent from House, under Orders of Committee.	Allowance during Absence from Home.	Expenses of Journey to London and back.	TOTAL Expenses allowed to Witness.
				£. s. d.	£. s. d.	£. s. d.
Mr. John Edward Vernon	Land Agent	Dublin	8	5 3 -	5 2 -	5 12 -
Mr. Mervyn O'Brien	Church Temperance Commissioner.	ditto	9	5 3 -	5 2 -	14 16 -
ditto - - -	ditto - - -	ditto	7	5 7 -	5 2 -	12 16 -
Mr. James McDonald	Leaded Window Caret.	ditto	-	- - -	5 9 -	5 9 -
Mr. O'Hagan	Rentals' Counsel	ditto	3	0 9 -	5 9 -	14 16 -
Major Gustave Dulon	Land Agent	Killy, County Sligo	3	5 3 -	6 9 -	9 12 -
Mr. Ball Green	Valuation Office	Dublin	3	5 3 -	5 9 -	8 12 -
Mr. W. Roberts	Landowner	Fekerragh, County Down.	6	6 6 -	10 - -	22 6 -
Mr. A. Dyson	Farmer	Armagh, County Down.	4	2 2 - 1 12 -	3 10 - 3 6 4	10 13 4
Dr. Trill	Physician	Dublin	3	5 3 -	5 9 -	5 12 -
Mr. Henry	Gentleman	Kilmorey	3	5 3 -	6 10 -	13 15 -
Mr. Matthew Harris	Secretary to Tenants' Association.	Kilkenzie	3	5 5 -	4 15 -	12 - -
Right Hon. Mr. Justice Macdonald.	- - -	Dublin	7	7 7 -	5 9 -	12 16 -
				Total - - -	£. 150 19 4	

## LIST OF WITNESSES.

<i>Tuesday, 26th February 1878.</i>		<i>Monday, 25th March 1878.</i>	
Mr. John Edward Vernon	PAGE - - 1	Mr. William Bence Jones	PAGE - - 177
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## MINUTES OF EVIDENCE

Tuesday, 26th February, 1878.

## MEMBERS PRESENT:

Sir Walter Barttelot.  
Mr. John Bright.  
Mr. Bruce.  
Viscount Crighton.  
Mr. Heygate.  
Mr. Shaw Lefevre.

Sir John Lubbock.  
Sir Joseph McKenna.  
Mr. Plunkett.  
Mr. Plunkett.  
Mr. Vernon.

GEORGE JOHN SHAW LEFEVRE, Esq., is in the Chair.

Mr. JOHN EDWARD VERNON, called in; and Examined.

Chairman.

Chairman—continued.

Mr. Vernon.  
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1. YOU are a Landed Proprietor in Ulster?—I am.
2. And you have also been for many years extensively engaged as a land agent in many parts of Ireland?—For over 30 years.
3. You have been agent for Lord Pembroke and the Marquis of Bath?—For both.
4. The Marquis of Bath has a large property in the north of Ireland?—Yes, in Ulster.
5. You are also Governor of the Bank of Ireland?—I am now Governor of the Bank of Ireland.
6. And you have had a very large experience, therefore, in the management of land and upon land questions?—I have, in various parts of Ireland.
7. You are aware that the number of owners of land in Ireland is very limited?—It appears to be very small by the Returns which I have read; as a matter of fact I know it to be very small.
8. Especially the number of small proprietors?—There are very few of them.
9. Can you state generally your view as to the cause of the smallness of the number?—I presume the natural tendency of the laws of real property as they stood before 1849 would necessarily narrow the number of proprietors; and the difficulty of making title, and the cost of going through a purchase and making title. That has been necessarily more or less simplified since 1849.
10. Since 1849 there has been rather a tendency to increase the numbers through the Landed Estates Court?—No doubt.
11. But even making allowance for that, the number is still very limited?—Very limited.

12. Can you give any explanation of the number being relatively so much smaller in Ireland than in England?—No, I do not know the reason of that.
13. Do you think it was due in any way to the penal laws directed against the Roman Catholics?—More likely, I should say, it was due to the land having been originally given in large grants in most parts of Ireland.
14. Still, it is a fact, that as compared with England, the number is much smaller?—No doubt.
15. Have you watched with interest the direction of the legislation of 1860 and 1870 for the purpose of creating an additional number of small proprietors?—I have, with great interest; I think it is a question of great interest to Ireland.
16. Do you consider it a matter of great importance to Ireland that efforts should be made by the Legislature to increase the number of small proprietors?—I have no doubt that the increase of small proprietors, if carried out with a due regard to the rights of existing proprietors, would have a most beneficial effect in Ireland in every way.
17. You would not wish, I presume, to see Ireland entirely a country of small proprietors; but you would wish to see a large infusion of them?—A much larger infusion than at present.
18. And you think that that should be the object of the Legislature?—I think if the Legislature means to improve the country, it would be a most efficient means of doing so, both as regards material prosperity, and as regards the contentment of the people.

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13. In

Mr. Farnes.

Chairman—continued.

Chairman—continued.

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1898.

19. In relation to the two Acts of 1869 and 1870, namely, the Church Act and the Irish Land Act, under each of which efforts were made to increase the number of small proprietors, will you state to the Committee your opinion as to the different conditions under which these experiments were made?—The difference in the action arises from the inherent difference in the position in which you have placed these two tribunals, if I may so call them. The Legislature places the Church Temporalities Commissioners (whom I understand to be the body you refer to when you speak of the legislation of 1869) in the position of having in their possession the property with which they are to deal. The Act of 1870 is totally different in only giving to the tribunal the power to make a *quasi* preferential sale, if I may so call it.

20. Under the Act of 1869, the Commissioners of the Church Temporalities have taken great pains to lay before the tenants the conditions under which they would be enabled to purchase?—They were a body having an article to sell which they wished to sell, and had only one mode of disposing of it, and they took the natural and the legitimate mode of disposing of that property; they advertised it; they placed all the information that was necessary in the hands of the parties whom they wished to make purchasers; and the natural result of that was that the advertisement paid, and they got purchasers.

21. And by fully explaining to the tenants all the conditions of the proposed sale, and the terms offered to them by the Legislature, they were enabled to induce a large proportion of them to purchase?—I think the course they took was very much calculated to encourage the tenants: by giving them due information and by offering them the different alternatives under which they could become purchasers, they encouraged the tenants in every way they could to become purchasers. It is obvious that in the Act of 1870 that could not take place.

22. Without such full information to the tenants, do you think it is likely that they would or could have purchased?—I think the larger tenants would; I think in the case of those who were not afraid of employing a solicitor, it was within their power to acquire the information they wanted, and I think they could do so. But that did not apply to the smaller people; they were always in ignorance of the terms under which they could purchase; and they were not quite sure that at the end of the whole bargain the property would not belong to the attorney who carried the sale through for them. I do not mean to say that it would be the fact, but that that was the apprehension that existed in the minds of ignorant and uninformed people.

23. Looking, then, to your general knowledge of the Irish tenants, is it necessary to give them very full explanation of the terms which are offered to them in order to induce them to come forward to purchase?—Yes, and that information must come to them from a source which they trust.

24. Not through the hands of attorneys?—Not through a legal hand, I think. Very many of them have come to me about it, men who have had these offers made, and they have asked me what to do, and how to do it, and I have invariably referred them to the Commissioners, and from the Commissioners, I am bound to say, they

have always received the most careful attention and consideration, and they have gone into a long correspondence with them, and explained to them the whole of the circumstances under which they could act.

25. In your opinion, could such information have been given by the Landed Estates Court?—I do not well see how it could be done; if it had been done it would have had to be done at the expense of the estate, and I do not think that that would have been justifiable in the court.

26. And followed by no certainty of their having the opportunity of buying?—By no means.

27. So that, after all, it must have been a matter of uncertainty, whether in the end the property would be put up in such a way as to enable them to bid?—That was perfectly a matter of conjecture; they could not know what the court would do, for the simple reason that the court could not act in the same way as the Commissioners. The court would not have been justified in saying to this tenant and that tenant: "I will pick you out your lot here irrespectively of what will become of the rest of the property." The duty of the court, in my judgment, was primarily to the vendors. That duty they could not overlook, and without overlooking that duty I do not see how they could say to the tenants: "If you come up we will pick out your lot for you." It would ruin the sale of an estate, and would prevent any man who was well advised from putting his estate into the court.

28. Do you know what the total number of tenant holdings in Ireland is?—Somewhere about 600,000 agricultural, I believe.

29. You are aware that the total number of holdings purchased under the Landed Estates Court by the assistance of advances from the Board of Works, is about 600?—About 600 out of 600,000, I collect.

30. In six years?—In six years.

31. Do you consider that that, on the whole, is a success, or no?—I should call it an absolute failure of the intentions of the Legislature.

32. You think, then, that the Land Act, so far as the sale of the holdings of the tenants is concerned, is a failure?—I can arrive at no other conclusion. If you assume that it would be desirable to have one-sixth of Ireland held by small proprietors, that would imply that it would take a thousand years to do it; that would be rather a long time to look forward to in these days.

33. Can you form any opinion as to the number of holdings that have been sold during that time by the Landed Estates Court?—I do not know the number of holdings, but I fancy it will be about one-ninth or one-tenth of the lots sold.

34. One-tenth of the value of the property; but probably the sales have been to tenants of a larger character, and therefore if you take the proportion of holdings, the number is still smaller?—I am not able to answer the question from my own knowledge.

35. In your opinion, is it possible to make any modification of these clauses in the Act of 1870, which direct the Landed Estates Court to take particular action in respect of the sales to the tenants which would increase the working of the Act?—I do not think that you can ever impose that duty on the Landed Estates Court; I think that the duty of selling preferentially, if I may use the



Chairman—continued.

the term, is perfectly absorbed to the functions of the court; I think it is because it is so that the court have been unable to carry it out. I do not see how you can ever expect that a number of holdings will be sold to small tenants, where the interest of the seller is to be consulted. You have a case, for instance, in that Gosford estate; that was cut up into ninety-one lots for the purpose of selling to the tenants.

Mr. Bright.

36. What happened in that case?—The result was this: 35 tenants purchased; naturally, there being no arrangement made, they purchased as they might be able to over the district; the estate lies nearly in a ring fence; they purchased 35 lots at 25 years' purchase; there were then sold 18 lots to outsiders at about 20 years' purchase; and up to the last return that I saw there were 37 lots still unsold. The sale of those 37 lots is necessarily very considerably injured; they are isolated lots; the best tenants have been picked out, and very few people like to go in for an isolated residue. So that I look upon it that the effort there to sell to the tenants through the court has been the cause of loss to the proprietor. The 37 are either not willing or not able, at all events they have not come forward to purchase.

37. With regard to the 37 which are not sold, are you able to say whether the difficulty arose from the inadequate assistance which the Treasury was empowered to give in the cases of those tenants?—I have no doubt that is so in some measure.

Chairman.

38. Before you proceed further in speaking of the main difficulties of those classes of the Land Act, I will ask you about a few minor difficulties; I think among those minor difficulties you would put first the ignorance of the tenants?—I would.

39. And their fear of law expenses?—Yes.

40. And also the fact of the prohibition against alienation?—The prohibition against alienation I may take to be three-fold; it is first against alienation *ex vivo*; secondly, it is against subdividing and sub-letting; I do not think that they would have the least fear of the latter two; they would not object to the latter portions of the clause, because upon every estate that is at all well regulated it is prevented.

41. And they would find that difficulty in the case of an ordinary mortgage?—The moment they attempt to raise a shilling they are met with the forfeiture clause; that is a very great check upon them.

Mr. Heygate.

42. Do you mean before they have paid off the money borrowed?—That would be at the end of 35 years.

43. Unless they like to pay it off sooner?—They must have paid the whole; otherwise, supposing they had paid 34 yearly instalments, in the way I read the Act it would be still a forfeiture of their right if they borrowed a shilling.

Chairman.

44. The prohibition of alienation practically prevents their raising any other money by way of loan or mortgage beyond that lent by the State?—They cannot use their interest in the holding as in any way security for money until they have paid off the whole 35 years.

651.

Chairman—continued.

Mr. Vernon.

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45. Then do you consider that that has been one of the operating causes to deter tenants from coming in and purchasing?—Enormously, and for this reason, that if a man purchases, and if he borrows two-thirds from the Government, and if he provides the other third out of his own pocket, he very likely deprives himself of the money which he has in store to provide for the other members of his family, and that, naturally, he is unwilling to do.

46. Then you think among the minor causes which have prevented these classes operating has been that prohibition against alienation?—I should say in a very great degree. They have a great fear of the forfeiture clause.

47. Then another matter is the valuation put upon the property by the Board of Works; I think the Board of Works has generally taken the tenement valuation as the measure of the amount which they would lend?—As far as I can see, they have taken 30 years of the tenement valuation as the selling price, this appears to me to be their general principle; and they have advanced 20 years' purchase; they have gone as far as 20 years on the tenement valuation.

48. Has that often worked out very much less than two-thirds of the actual value?—It may or may not. It is a bad standard. The tenement valuation in Ulster is one thing and the tenement valuation in Cork is another; they are totally different figures.

49. And that has led to an uncertainty which has rather frightened the tenants?—I think it is a false standard to adopt. I have let land in Ulster at the tenement valuation, which I have thought quite dear enough; I have let land in Cork very nearly twice the tenement valuation which I have not thought too dear. Clearly, if that be a fact, it cannot be a measuring standard.

50. Would you say that the tenants have from that come into uncertainty as to the actual amount which would be lent to them by the Board of Works?—If once that scale were established they would not be uncertain; but I think they would be in a position of great inequality towards one another.

51. Now these, I may take it from you, are the minor difficulties which have been experienced in the working of these clauses?—I think so.

52. Would you suggest any other standard than that of the tenement valuation?—I think there should be a proper valuation made of the property by a competent person.

53. Would you take the price at which the property sells in the Landed Estates Court as the usual standard of value, subject to valuation if there can be any doubt?—As a general rule you may take the selling value as a fair one; there may be exceptional cases.

54. And in those exceptional cases the court might send down a valuator?—Otherwise it would be open to fraud, and the land might be jobbed.

Mr. Phelan.

55. I do not quite understand at what period of the transaction, or on what occasion you suggest this valuation to be made; are you suggesting that the valuation should be made at some time during the process of sale in the Landed Estates Court, or at some time during the process of sale under different circumstances which you have not yet suggested; do you suggest that, assuming

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Mr. Petzold.

Mr. Finchet—continued.

Chairman—continued.

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suming that the Landed Estates Court still remains as the mode of carrying out the sale of these holdings, there should be a valuation introduced at some stage of the proceedings?—I do not go upon that assumption at all, because I do not think anything you can do, as long as you keep it in the Landed Estates Court, will operate; I think you may modify, and you may improve it, but you cannot make it a working measure to constitute a peasant proprietor, if that is thought desirable to do. I do not think it would be a fair thing towards the proprietor that the court should send down any valuator to value his estate under the Landed Estates Court. I do not think it would be just to him, because that man might put upon that property an arbitrary value very much below its real value, and the judge of the court might then consider himself justified, under the authority which he undoubtedly has, at an open auction to knock it down on that valuation. I think that would be an element which would be unfair to the vendor, whose interests ought to be consulted as much as those of the tenants.

Chairman.

56. It has been suggested to this Committee that the proportion to be lent by the Board of Works, or whatever the Government Department in which has the making of this loan, should be increased from two-thirds to three-fourths, which is the proportion lent by the Church Commissioners; do you think that it would be safe to increase it to that extent?—Assuming the value to be fairly ascertained by the Board, I can see no danger whatever in the State advancing three-fourths.

57. There would remain the margin of one-fourth, and also the tenant's interest?—Yes.

58. And the tenant's interest in a vast number of cases is very considerable?—It is very considerable in parts of Ireland.

59. And all over Ireland it has a considerable value?—It has.

60. In fact land in hand sells for a considerable number of years' purchase beyond land in occupation?—It does that for two reasons; first, from the fact of its being in hand; and, secondly, from the fact that land in hand is almost always in better condition than land in the hands of a small occupying tenant.

61. But take land which is sold under a forced sale; let us take the case of a tenant who has bought his little property, and mortgaged it to the State for this loan, and is then unable to pay the interest; a forced sale would then take place, and I presume then the property would sell for a great deal more money, if being land in hand, than it would have sold for if in occupation of a tenant?—No doubt; because you would be selling the interest in a fourth, plus the tenant's interest in the land; or, in other words, you would be dispossessing the tenant without any reference to the Land Act.

62. Therefore, in your view, there would be an ample margin as security to the State if it lent three-fourths?—I have no doubt of that, always proceeding upon the assumption that the party lending the money has been fairly and rightly informed, because it would be otherwise open to great collusion, supposing a landlord and a tenant collude by arranging together, merely

making the standard value the rent which he paid, the State might be made to advance the whole of the money very easily.

63. Then, in your view, there would be ample security for the State to lend three-fourths instead of two-thirds?—There is no doubt about it, I think; the annuity would be perfectly well paid.

64. You have now alluded to what I may call the minor reasons for the clause, not having had much operation; I gather from what you have said already, that you think the failure of the clauses is outside even those minor reasons, and is due to the relation of the Landed Estates Court to the whole subject?—I think the failure is inherent in the clause of the Act; I think, when you use the words which are used in the 46th Section, you use words which put the Court in a perfectly false position, for you direct a seller to sell to you "so far as is consistent with the interests" of another; I do not think that is possible.

65. You are now adverting to the 46th Clause?—Yes.

66. That clause which directed the Landed Estates Court, on the sale of estates by them, to do their best to put up the property in lots suitable to the tenants?—"So far as is consistent" with the rights of the proprietor.

67. I see that that clause goes on to say, "and for that purpose shall bear any application in that behalf made by the Board or any such occupying tenant"; that would appear to indicate that it was intended that the Board of Works, or some other Government department, should come before the court to represent the interests of the tenants?—I so read the Act, that it was meant that the parties advancing the money should intimate to the parties that they were ready to do so.

68. And also further, that the Board should come before the court to represent the interests of the tenants, and to press the court in the exercise of its judicial functions to put up the property for sale in such a manner as that the tenants should have an opportunity of buying?—I think that is the meaning of the section.

69. Is it within your cognizance that that clause was not part of the original Act?—I am not aware of that; I am not aware how it came in.

70. Part 2 of the Irish Land Act, which is the main portion of the Act devoted to these special subjects, contemplates the principal action of the court being, in the case of purchases by agreement, between the landlord and the tenant?—Yes, that is so.

71. And that portion of the Act has been an almost total failure?—I think necessarily.

72. The Committee has been informed that there have been only 47 cases of sales to tenants by agreement between landlord and tenant?—I think that will follow naturally.

73. Will you give us your opinion why that portion of the Act has been a failure?—In most cases the parties who would be likely to sell are men owing money who would wish to clear their estates. I think that that would represent the major part of those cases; in all those cases, in order to sell 50 acres, you must make title to the whole estate, and the expense of making that title, if it is an old title, may be equal to half the purchase money

*Chairman*—continued.

money of the holding; I think that would at once preclude the possibility of those sales.

74. The Committee has been informed by the officers of the Landed Estates Court that there is very little prospect of that portion of the Act being a success, owing to the great cost of proving titles by the court?—I should have expected that result; I do not think any other could have followed from it.

75. And further, that there was the difficulty that any money realised by the sale would have to pay off specific incumbrances?—No doubt it would have to follow the uses of the estate in any view.

76. And any money not spent in that way would have to be invested either in buying other land or be temporarily invested in Consols?—As I take it, the only course a man would have to adopt who sold his estate in that way, assuming it was at all incumbered, would be to pay off the first mortgage with the proceeds of that sale; but if it was the fourth mortgage who was pressing him, I do not see what use the agreement would be to him unless he sold sufficient to reach him.

77. And it does not follow that the proceeds of any sale as between him and his tenants would be sufficient to pay off this specific incumbrance?—No; unless he sold a sufficient number of holdings to pay off all his incumbrances.

78. But substantially the main difficulty is the question of costs?—The whole question of title, which is a very serious one.

79. Therefore, the main hope of any result from the Act is under the 46th Clause?—I think so; as the Act stands at present, the 46th Clause is the one which there is a chance of working.

80. And it is under that 46th Clause that the greater number of sales have been effected by the Landed Estates Court?—Almost exclusively; as a matter of fact that is so.

81. Now you have stated to the Committee, that in your opinion it is not probable that even that clause will lead to much result at present?—I do not think it can. I think the Legislature has imposed an abnormal function upon the Commissioners of the Landed Estates Court. I believe the Commissioners of the Landed Estates Court to have exercised their powers with great wisdom and with great discretion, and I am satisfied that if they had not done so, they would have stopped any property being put into that Court.

82. What do you mean by the expression which you have used, that unless they had exercised great discretion they would have stopped any property being put into that Court?—I mean to say that if they had not followed that section in its entirety, that is if they had not made the lots consistently with the interests of the landlords, no landlord who was tolerably well advised would have put his estate in their hands. As a matter of fact they have exercised great judgment, and they have refused to make lots which would be damaging to the vendors.

*Mr. Bright.*

83. In fact they have tried to do justice to the vendor, as much as they have tried, when circumstances permitted, to do what was right to the tenant?—I think they have gone as far as they justly and honestly could go in carrying out that section, as far as I have been able to judge.

0.51.

*Chairman.*

84. The process is a difficult one?—I think they are in a false position; I think they must be preferred auctioneers. Their primary duty, as I take it, is this; to make a clear title, declaring the easements and everything else, and to sell for the benefit of the vendor and the incumbrancers; that seems to me to be their duty as judges. The Legislature then says, "You are to do another thing, but you are only to do that as far as is consistent with a totally antagonistic principle." That appears to be the position in which the Legislature has put the judges.

85. Clause 46 says that they are to do what they can to give facilities to occupying tenants who are desirous of purchasing their holdings by the formation of lots for sale or otherwise?—I think it goes on to say "as far as consistent."

86. "So far as is consistent with the interests of the persons interested in the estates or the purchase money thereof?"—Well, obviously they they are not consistent objects.

*Mr. Fisaslet.*

87. Will you explain what you meant by saying just now "a totally antagonistic principle?"—I think if I had a property to sell, I should not look round to see if I was to facilitate A. B. and C. in buying it; I should look to see who was going to give me the most money, and I should not care whether he was landlord or tenant, or whether he had made his money in America or in England; that would be perfectly immaterial to me; but if in selling a property I am to keep in view the interests of a possible purchaser, I think that I damage my sale; and I think that the Commissioners would damage the sale if they went any further than they have done under the Land Act.

88. The reason I asked you that question was that we have had some evidence to this effect; that if the tenants had all possible facilities given them under the Landed Estates Court, and had all the advantages as regards land on better terms from the Treasury, then it would be very possible to get so much better prices from the tenant purchasers than from the outside public that it would be worth while that that should be done, even in the interest of the sellers. Is that your view?—There is no question that it would be so; but the larger your market is the better your chance of selling, and the moment you begin to restrict your market, or to govern it by any consideration save that of getting the best price, I think you injure the seller.

89. Do you believe that by increasing the facilities for tenants of purchasing under the Landed Estates Court it could be made worth their while to give as an upset price a higher price than would be obtained at an auction from the public?—I am not quite sure how that would work, for this reason; that assumes that all the tenants are willing to give the upset price; if I could assume that all the tenants in a townland are willing to buy, then the Court being the arbiter of what the upset price is, can secure to the vendor such price as he ought fairly to get; but supposing that you have a proportion of the tenants who are not so willing; supposing, for instance, that out of 30 tenants there are 20 who want to buy, and 10 scattered all through the estate who do not want to buy, I think you then come back to the old difficulty.

*Mr. Fenn.*

26 February  
1870.

Mr. Vernon.

25 February  
1875.

Mr. Plunket—continued.

90. And the way in which the difficulty has arisen before the Committee is this: some of the witnesses think that the lots for which the tenants would, with increased facilities, be able to afford to give the upset price, would bring in such a price as would more than counterbalance any detriment to the remainder of the lots which might cause a loss to the sellers. Some of the witnesses, on the other hand, seem to think that the rest of the property would be so far injured that, on the whole, it would be a loss to the seller?—I think it would depend very much on circumstances; I think it would depend very much on the number of the tenants who were willing to purchase; but at best it would be open to this very grave objection, that you fix upon the tenants an upset, or almost a penal, price, in order to make up for possible contingencies; now, I do not think that that would be just towards the tenant.

Mr. Bright.

91. But is it not the fact that a tenant who is anxious to buy a certain farm, as a rule will give more for it with the advantage of remaining on the place where his interests are, and where his family connections are, than an outsider will give?—I think he will.

Chairman.

92. Then I might put it in this way: it has been suggested that, taking your own illustration, two-thirds of the tenants of a particular estate are able to buy; they would give 27 years' purchase, or three years' purchase more than they were in the habit of giving, owing to the greater facilities given to them; then the owner of the property would run the risk of the other one-third selling at 22 years' purchase or 23 years' purchase, and the two operations together would make up the average of the whole estate?—You would have insured the bad lots, and you would have made the tenants pay the premium; that is the operation, as I take it; I do not think that that would be just towards the tenants.

93. At all events that is a speculation?—Quite so.

94. And, perhaps, it is one which, in your view, the Court would hardly be justified in entering upon; because I gather from this clause that it merely rests with the judge of the Landed Estates Court to exercise his discretion upon the matter?—Quite so.

95. And if he thinks that the price will be a good one on the whole, he will be justified in breaking the property up into lots so as to suit the tenants?—It will be for his consideration; I do not know what view he would take of it; I think that, as far as the vendor is concerned, he would be saved; I think it would be possible to save the vendor, assuming that there was a sufficient number of tenants willing to give the upset price.

Mr. Plunket.

96. My question is, whether, from your experience in such matters, you think that in a great number of cases the tenants, with increased facilities for buying, would be prepared to bid sufficient for their lots to make up any loss which might be sustained on the residue of the prop-

Mr. Plunket—continued.

erty which was not bid for by the tenants?—I think it would depend on the nature of the property you had for sale; if you had for sale a good property for a certain number of years well managed, and with a considerable number of solvent tenants on it, I think it would work.

Mr. Bright.

97. Is there much desire on the part of persons, I do not mean great proprietors, but present tenants, or persons who have money in the neighbourhood, to buy farms which they do not themselves occupy, or do not propose to occupy?—There is if you put them into small lots.

98. There is a considerable desire to obtain land in that way, you say?—That desire exists generally on the part of a class of men whom I do not think the Legislature would be wise in encouraging to become proprietors.

Mr. Vernon.

99. Not for single farms?—Not for single farms in possession of another tenant. I think there are men who would purchase single farms on the chance of getting rid of the tenant.

Mr. Bright.

100. Are there not a good many farmers who themselves would be able to buy in their own farm, and also to invest in the purchase of a neighbouring farm?—I do not think that would become the fashion in the country.

Mr. Heggate.

101. Will you explain why the Legislature would not desire the class to which you have referred to become proprietors?—I think they would be mostly small shopkeepers in the neighbouring towns, or small money lenders in the country. I think, as far as my knowledge of Ireland goes, those men would be very unlikely to become very good landlords; I think their object would in the long run be to get the land to occupy; I think their ultimate view would be to get rid of the tenant.

Chairman.

102. Does not the desire on the part of the tenant to become the owner of his land arise mainly at the time of the change of ownership, when the property is put up to sale?—I think upon all the large estates which I know, the tenants are apathetic about becoming owners. I think whenever an estate is about to change hands, they are most earnest and most anxious to buy if they can possibly do it.

103. Fearing the change of ownership?—Fearing the change of ownership.

104. And fearing that some speculating purchaser may come in, give a high price for it, and raise the rents?—Yes.

105. And it is just at that moment that the tenant becomes most anxious to become the owner?—It is at the moment of transition from a landlord whom he has known and whom he has perhaps trusted, to a stranger whom he knows nothing at all about, that he is most earnest in seeking to protect himself by having a perpetuity.

106. Now

*Chairman*—continued.

106. Now you have explained to the Committee what you consider to be the difficulties of the present process under the Land Act, and how in your opinion it is not likely to have much effect; will you explain to the Committee what you would suggest as an alternative, or as a method of carrying out the intentions of Parliament?—Assuming that the Legislature desires to create a peasant proprietary or a body of small proprietors, I think that whoever sells the property to the tenant must be put in the position that the Church Temporalities Commissioners were put into; that is to say, they must have the absolute power. I think the property should vest in the State before it is conveyed to the tenant, and that the State should deal with the land as between itself and the tenant; I do not think it will ever work otherwise.

107. You think the experience of the Church Commissioners shows that when once that relation is established the sale to the tenant becomes comparatively an easy one?—I think that would remove three-fourths of the whole difficulty. As far as I can see, it would remove every difficulty but one.

108. What is that?—That one is the residue question, which is always attended with more or less difficulty.

*Mr. Heygate.*

109. That is the unsold lots?—Yes.

*Mr. Bright.*

110. If the whole matter was simplified as you propose, is it not probable that the residue would be very greatly diminished?—Very greatly.

111. And therefore the difficulty would be brought to its minimum?—I think the difficulty would be minimised.

*Chairman.*

112. Now what would be your proposal?—I think you must vest the property, as I said before, in the State; that means presumably in some Commission appointed by the State. I think that where an estate is for sale in the Landed Estates Court, it should be the duty of that Commission to send down a proper officer to report upon the value of the property and upon the conditions under which it is held, and to see all the tenants and to learn from them what price they are prepared to give, if any, for their lots. If the tenants say, "We will not buy," then this imaginary Commission withdraws its action altogether, and leaves them to pass under the ordinary rules of sale to any purchaser who may be found. If, on the other hand, as I think will be generally found to be the case, the tenants declare to buy, then let it be for that Commission to see what price they will give. Add to that price some fair small commission, a fair per-centage which shall cover the expenses of the transaction, and then let them become buyers in the open market from the vendor.

113. They would then go into court just like any other ordinary purchaser?—Either by private or by public sale. They would be in this position: that they would be able to offer the full value for the land. The vendor consequently would not be damaged in any way. The judges of the Landed Estates Court would have no con-

*Chairman*—continued.

licting duty at all; they would sell to the Commission precisely as they would to the outside public.

*Mr. Brown.*

114. Do you say that the Commissioners are to undertake the actual selling of the land after they have ascertained what the price is to be; that still the Commissioners are to be the persons who are to sell to the tenants and not the Landed Estates Court?—In my view of the matter, the estate can be absolutely conveyed by the judges of the court to the Commissioners, and should vest in those Commissioners for purposes of sale.

*Mr. Bright.*

115. But in other cases where land does not go through the Landed Estates Court, you, or I, or anybody might have an estate and wish to sell it; you do not require to go to that court, but you can do the transaction direct with the Commission?—No doubt; of course the court possesses considerable facilities through their system of mapping, and dealing with easements, and so forth, and also by making a title which would be Parliamentary; it clears the title.

116. It would be quite possible to give the Commission all that power?—I think that such a Commission would be able to offer a full fair price to any seller for his property, and could, without damage to anybody, except perhaps to the State that has to pay the money in the first instance, sell and raise a class of tenantry which never can be raised in any other way.

*Chairman.*

117. I presume, from what you have said, that such a Commission would not act unless it ascertained beforehand that a certain proportion of the tenants were ready to buy?—It would not. What was alluded to in the question of the Right honourable Member, with regard to minimising the difficulty about the residue, should be first done; that is, if practicable, the worst lots should be sold first.

118. Supposing there were any loss on the transaction by the sale of the residue, would you throw the difference between that price and the price given for the land by the Commissioners upon the tenant purchasers?—I think it would be grossly to the discredit of the Commissioners if there was a loss, and for this reason, that they go into the market under totally different circumstances from anybody else; they go in able to offer a sale on very advantageous terms, that is, able to advance three-fourths of the money.

119. But I will suppose for a moment that they give a price calculated at 25 years' purchase, and that the residue is one-fourth, and sells for 25 years' purchase; then there is upon that portion of the transaction a certain loss; would you increase by so much the price to be given by the tenants on that portion which they buy?—I think each estate should be made to cover its own purchase money.

*Mr. Finlet.*

120. Will you describe exactly how the process you suggest would not as to the free will of the proprietor in having his estates sold by the Commissioners or not?—I leave him absolutely free and dependent upon getting the highest price he can from anybody, Commissioners or otherwise. If anybody gives five pounds more

*Mr. Vernon.*

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Mr. Private—continued.

than the Commissioners are prepared to give, I would let him sell his estate to that man.

121. Then, is it your suggestion that, having put his property into the Landed Estates Court, and the preliminary process of clearing the title having been gone through by the judges of the Landed Estates Court and their examiners, that the agent for the owner should then, as it were, take the estate to the Commissioners, and ask them, "What will you give us for it?"—Yes, "What will you give us for it? I am offered 50,000 £ for this estate; will you give us 55,000 £, and if so, you shall have it."

122. Who is the offer of the 50,000 £ to be made by, and when?—We will suppose the petition filed, and that the estate is in the Landed Estates Court for sale; the judges of the Landed Estates Court invariably give notice that up to such and such a day they will receive private offers; one of these private offers might be made by the Commission; it is competent for the owner of the estate to repeat that, and say, "Let my estate go to the hammer."

123. Is your suggestion that an interval should then be allowed during which the Commissioners can make such surveys and valuations as they may think necessary in order to form an estimate of what price they could afford to buy at?—I would not give them the power of staying the sale for one moment, and I think it would be quite unnecessary. In the interval between the time when a petition is filed, and the absolute order for sale being made, and the settling of the rental, the Commissioners must be very deeply indeed if they cannot do all that.

124. Then, in point of fact, I suppose you would suggest that a notice should be sent for convenience sake by the Landed Estates Court to these Commissioners to inform them that a certain estate has been brought into the Landed Estates Court for sale, in order to give an opportunity to these Commissioners to make all inquiries?—There is a published schedule every day of the first conditional order, and of the absolute order, and until the absolute order is made, my Commission, if I may so call it, should take no action at all; the moment the absolute order has been made which determines that the estate is in such a position that it can be sold, then it will be time enough for them to send down and inquire into the condition of the estate, just as a man might do if he was looking to buy the estate for himself.

Chairman.

125. The Commissioners would have no relation to the Landed Estates Court?—No, they would be perfectly independent.

126. They would be merely ordinary purchasers?—I would let them stand at arm's length from the judges of the Landed Estates Court; but I would make it the business of the judges of the Landed Estates Court to get the best price they can for the property from anybody that wants to buy it; if the Commission is competent to give as good a price, or a better price, I would give it to them.

127. Then I presume you would contemplate that their agent, in his interview with the tenants, would have obtained from them a certain margin within which they were likely to buy?—I think that if the tenants were aware that the estate was going to be sold, they would at once implore the

Chairman—continued.

intervention of the Commission; they would say, "We will give you the maximum sum of so-and-so, which will cover your purchase; if you purchase for a less sum than that, you must you will reduce our maximum;" I do not see any difficulty in it.

Mr. Private.

128. But you would impose an obligation by statute upon the Commissioners in every instance in which they saw the advertisement of an absolute order for the sale of any estate in the Landed Estates Court to proceed to make those inquiries about the tenants with the view of seeing what chance there was of selling to the tenants?—I should presume that to be their primary function.

Chairman.

129. Instead of, as now, the Landed Estates Court giving notice to the tenants, and summoning them up to its court to give them an opportunity of bidding, this Commission would send down an agent to the estates to communicate with the tenants and ascertain their views?—Precisely. I think it is not a fair thing for the vendor of an estate that he should be called upon to go to the expense of bringing up a certain number of tenants to know their minds. In a recent case a judge of the Landed Estates Court has saddled the owner with all these costs. I do not see why they should have the right to make a man pay for advertising his estate to be sold in a restricted manner.

130. At present the tenants are summoned up to the court in complete uncertainty as to whether the property ever will be submitted to them in any way whatever?—Yes; and that summons is practically done at the expense of the seller.

131. And very often at great disappointment to the tenant?—Great disappointment.

132. They come up to the court fancying that they will have an opportunity of bidding for a sale, and they find that the condition of the property is such that it cannot be put in too suitable for them to buy, and they have gone to the expense, perhaps, of employing a solicitor to no purpose?—And unless they do that they will not disclose what they mean to give. One of the foremen witnesses said that they were quite up to what he was at, when he tried to get them to fix an upset price. I think if they felt the property was likely either to go into the hands of a Commission whose function it would be to sell to them, or into the hands of a stranger, of whom they had no knowledge, they would strain every effort to get it under the wing of the Commission; that I am satisfied of.

133. In the event of your proposal being entertained, would it be desirable to keep up the separate duties of the Board of Works, or could you annex to such a Commission the work which the Board of Works does now in connection with these matters?—I think I would rather not touch them: I do not think, to do them justice, that they have a staff for it, and I do not think they have inclination for it.

Mr. Bright.

134. You would have the Commission which you propose, with a distinct office for its own work?—Absolutely distinct, and at arm's length from any other body.

135. Your

Chairman.

135. Your proposal would necessitate the Commission having funds for the purpose of buying in the first instance, and re-selling afterwards?—That is the first condition of the existence of the Commission: that is absolutely essential.

Mr. Bright.

136. Am I right in supposing that you think if such a Commission were established, it would be the body to which the sellers of estates would generally look for the best price, and to which the tenant farmers would look as the most satisfactory mode by which they become proprietors; that it would become popular on both sides?—I have no doubt of it, and for this reason it would be popular with the seller. I think that with the conditions which would be annexed to that Commission, namely, the use of the State money and the power of getting a good price from the tenant, that Commission would be able to give at least as good a price as anybody else.

137. Have you happened to know any of these cases in which the farms have been bought by the tenants?—I have.

138. Several?—Several.

139. In what part of Ireland are they?—Some in Fermanagh, and some in Cavan; in those two counties I have seen them most.

140. What impression have you of the result, I mean to the landlord and to the tenant; is it on the whole satisfactory?—In my opinion extremely so in every way, both as to the tenant's industry, and as to his contentment and as to his attachment to law and order, I think in every way it has had a favourable influence wherever it has been acted upon.

141. You stated at the beginning of your examination, that there were 600,000 occupying tenants in Ireland; and a small number, I suppose 10,000 or 12,000 proprietors of land in Ireland; have you observed, with your wide experience, that the opinion of the occupiers of land in Ireland is very much more powerful than, and outweighs the opinion of the owners?—As 600,000 to 12,000.

142. Whether it is on questions connected with the rights of owners and tenants, or on all political questions which arise in Ireland, is not the momentum of the tenant opinion vastly more powerful than that of the proprietary opinion?—Naturally.

143. Inevitably?—The public opinion of 12,000 must necessarily be comparatively small.

144. Now as regards what (it is a phrase we must use, though it is sometimes misapplied) we all understand honestly to mean the rights of a proprietary class, is it your opinion that they would be more safe in Ireland, if you could add to them 50,000 or 100,000 tenant proprietors, than they are at present?—I do not think that there could be any more safe means of reconciling the many to the possession of property by the few, than by increasing the few. I think it would have a very strong effect in the direction pointed out by the right honourable Member.

145. And as regards not only the rights of the proprietors, which you are justly very careful about, but as regards all questions in which the public mind was swayed one way or the other, all political questions, is it your opinion that it would give much greater solidity to public opinion and probably much greater wisdom to public opinion than is seen at present, or has been

Mr. Bright—continued.

seen in your time?—I have no doubt, upon the whole, that would be the effect of it, that the possession of property by those men would give stability to the State.

146. On the whole, then, without using the word in a party spirit at all, do you consider the plan you have submitted to the Committee, and the object of it, whether it is attained by that plan or by some other, to be one most highly Conservative as regards the condition of Ireland?—In the true and higher sense of the word I think it is a strictly Conservative measure.

147. And you think it could be adopted and applied without one particle of injustice to any of those concerned; that the seller would be a man willing to sell, and the buyer a man willing to buy, the State coming in to facilitate the transaction to the advantage of both parties, and of the State; that is rather what I gather from your evidence; would you say that that is so?—I am satisfied of this, that no great social change will ever work for good if it works good to one set of men at the expense of others; and the measure which I would advocate is one which I do not think works evil to any man, I think quite the contrary. I think it does not interfere in the least with the rights of the proprietors; you do not compel a man to sell, and you give him a good price for the property if he wants to sell; I do not see what more he wants.

Chairman.

148. You think it would be no loss to the public?—I think there ought to be no loss to the public; I think you have the funds available for it, and I do not see why there should be a loss.

149. What fund have you?—You have a large fund in Ireland which you do not know what to do with; some people want to send it to the lunatics; some here and some there; I suggest creating a tenant proprietary with it.

Mr. Bright.

150. I take it for granted that you are satisfied that if Parliament wishes to do this it can easily find the funds?—I think we have the funds in Ireland.

151. The Land Act granted a million for that purpose?—No doubt; but I think the measure would be more effectually worked if there were larger funds, and those funds could be drawn from an Irish source.

Mr. Parnell.

152. Will you just state what the fund is?—The fund of the Church Temporalities Commission, which the State is much puzzled to administer.

Mr. Parnell.

153. As to the proposals that have been made for facilitating sales to the tenants under the existing machinery of the Landed Estates Court, there have been a number of suggestions as to serving notice of the sale more effectually to the tenants, as to the minimising of costs to the tenants, as to the power of alienations, and also as to junctures and charges on the property, which are at present supposed to be difficulties; but perhaps I had better not press you on that matter if you have not considered

Mr. Farnes.

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1873.

Mr. Vernon.

Mr. Plunket—continued.

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it?—I have thought over the subject a good deal, and shall be happy to answer any question that I am able to.

154. Now, for instance, do you think it would be any considerable additional expense if this were done; for the present I am not dealing with your alternative proposal at all; but supposing it were decided to continue the Landed Estates Court as the machinery for carrying out the Bright Clauses for the Land Act, do you think it would be impossible to invent a system of serving notices upon the tenant which would not add very much to the expense of the sale, and at the same time would bring home the knowledge of the sale to the tenants who might be disposed to buy?—No doubt it might be done, but still at the same expense of the seller.

155. A considerable expense?—I do not know exactly what the expense would be, but I should say that the service of those notices, and the people coming up to Dublin, and all that, would put the estate to a very considerable expense.

156. I am speaking now of the serving of notices on the tenants; would it not be possible, in your opinion, to adopt a very much cheaper process of doing that than at present?—No doubt.

157. Then as to bringing the tenants up to Dublin, do you see any difficulty in sending down an agent from the persons having the conduct of the sale to make inquiries amongst the tenants, just as it is done at present by the Church Commissioners?—No, I do not see that there could be any difficulty in doing that; it could be done.

158. Do you think that would involve any great additional expense?—I think it ought not to unless there is a very numerous tenantry to serve.

159. And I suppose you have no doubt that if some greater facilities were given as regards the rights of way and the charges on the property, that would give you a considerably larger number of tenant purchasers?—I think it would undoubtedly facilitate the operation very much.

160. Then coming to your alternative proposal, as I understand the heart of the thing is this, that the expense of making these inquiries as to whether a majority of the tenants, or any considerable number of the tenants, are willing to purchase their lots or not, instead of being borne by the owner or the tenant, should be borne by the State; that is what it comes to?—No, that is not my idea; assuming my idea to take root, it should be borne by the Commission, and paid for out of the cost of the sales; I did not propose to throw it on the public.

161. Will you just explain it a little more fully; I thought it was mainly for the purposes of the expenses of the Commission, that you proposed to lay hands upon the Church surplus?—No, not the expenses of the Commission; I think the expenses of the Commission might very fairly pay themselves; I think that a man selling with a power of advancing three-fourths, ought to be able to buy at a figure over that which the ordinary market could afford to give; I think he ought also to be able to create a margin with that enormous advantage which he has; he is dealing with a large borrowed capital, borrowed on very easy terms, and therefore I think that the expenses of the Commission might very fairly be borne by the people for whose advantage the Commission is created.

Mr. Plunket—continued.

162. Do you mean by the tenants, or by the owners?—By the purchasers; by the persons who purchase under the Commission.

163. Do you mean by charging a certain fee or per-centage in addition to the price offered?—I think it would be very legitimate that the people for whose advantage the Commission is created should, if the State thought fit, pay for it.

164. And these people are, in your opinion, the tenants?—They are.

165. But then in what way would you utilize the Church surplus in carrying out your plan?—Simply borrow it from whoever holds it now, and apply it to pay for the purchase made by my commission. My commission, I presume, must go into the market; it must go into the market with ready money; therefore it must have a grant of some sort or other; it then sells the land, receiving only payment in thirty-five years; therefore clearly there must be a large capital to invest, but a capital which would be returnable.

166. Then you contemplate that eventually there should be no cost whatever accruing to the Church surplus by making these advances?—I think the Church surplus would be perfectly safe.

167. Then why not obtain the money directly from the Treasury?—I think if you read the correspondence between the Board of Works and the Treasury it will answer that question. The moment you go to the Board of Works the Board of Works must draw the Treasury at you. I do not think that the Treasury has been always found particularly accessible to anybody who wanted a large loan.

168. Would you propose any Treasury check upon the proceedings of the Commissioners?—I think so; I think they ought to be either under the Treasury or an Audit Committee. I would have them clearly financially responsible.

Chairman.

169. But not subject to every-day control which the Treasury now exercises over the Board of Works?—No; as I take it that the Church Temporalities Commissioners now are responsible; although there is no appeal from them they are still responsible.

Mr. Plunket.

170. Just to go back for a moment to the question I put to you; you say you think it fair that the expense of the machinery for selling to the tenants should be borne by the tenants, in the shape of a small fee or per-centage?—That is if the State thought fit.

171. But, now suppose that the landlord or the owner, whoever the petitioner is who wants to sell his estate, has put it through its preliminary stages in the Landed Estates Court, and then has an offer made to him by the Commissioners, as you propose, for a certain sum which he does not choose to accept, and there has been some expense incurred by the Commissioners in sending down a person to inquire amongst the tenants, and in ascertaining what would be a fair price to offer, who would pay in that case?—It is a matter of detail for the State to arrange; that could not be very great even if you threw it upon the Commission.

172. But



Mr. Phelan—continued.

172. But so far as what I may call the expenses of the mission, you think that the State should bear that?—I suppose the State might bear that if the measure was thought a desirable one.

Chairman.

173. The money now lent by the Board of Works is lent at  $\frac{1}{2}$  per cent., the money lent by the Church Commissioners, on sales effected by them, is at 4 per cent.?—Yea.

174. The difference is a half per cent., which might pay the expenses of the Commission?—It might. The expenses of the Commission, if the principle is a sound one, ought not to stop the way. The great difficulty which a proprietor will always have in selling now is the fear of having his estate sold in lots. You have now put a good deal of pressure upon the judges; they go as far as they possibly can in selling to the tenants. The result of that is not what the landlords or sellers would like, because you may leave a man's estate in such a position that it is no value to him at all.

Mr. Phelan.

175. Have you formed any idea in your own mind what kind of commission or at what kind of expense, or composed of what kind of persons you would establish your new machinery?—Of course I did not go into that; I probably shall not have the appointment of them.

176. But what kind of commissioners would you think they should be?—Like such a man as you have at the head of the Church Temporalities Commission, Lord Monck; I mention him because he has been most successful in what he has done; that is the class of men I would have.

177. Would you have more than one commissioner?—More than one, I think.

178. Is point of fact, from your point of view, the best plan would be to entrust this business to the Commission which is supposed to be about to retire for the purposes of the Church Act; how many Commissioners are there at present in that Commission?—Two; Lord Monck and Judge Lawson.

179. Have you any idea what the expense of the working that Commission is at present?—I have not.

Chairman.

180. It is no part of the essence of your scheme that it should be this or that Commission?—I think it should be whatever Commission will work the measure.

181. Nor, I apprehend, need it be an expensive Commission?—I do not think it ought to be; you do not want a large staff.

182. The main work would be done by their principal officer?—Yea.

183. It would not be necessary to give large salaries to the Commissioners for the purpose of superintending?—Even if it were necessary, if the measure should be a good one, I am satisfied that if the State carry out their own principles which they have laid down they would not stop at a question of 2,000 £ or 3,000 £ a year.

184. But you do not contemplate the matter as being of a very expensive character?—I think at first it would not be; but gradually it will grow.

Mr. Phelan.

185. Still, you would require the services of most responsible persons for administering this

Mr. Phelan—continued.

very difficult and delicate business?—It will require men of intelligence and character.

186. Certainly not less so than the Commissioners who reside at the Church Temporalities Commission?—I think they ought to be men of character and intelligence, and above all suspicion.

Mr. Hoggins.

187. I think you said that the fear of the forfeiture clause operated as deterring the purchases by tenants?—Very much so.

188. As a matter of fact, is that clause often put in operation?—I think the Board of Works are very stringent upon it.

189. Do you know cases in which it has been put in operation?—I have known cases in which they have refused to allow the alienation; I do not think the alienation has been made without permission.

190. But do you know cases in which the forfeiture has actually taken place?—I do not; but I know cases in which they have refused to sanction the loan.

191. But that would not prevent the wish to purchase, unless there actually occurred a forfeiture?—It would not in this way: we will suppose a man to have borrowed the two-thirds, and he wants to raise some more money; he goes at once naturally to a local bank, and they ask him what security he is prepared to give; he tenders his deed, and they say to him in answer, "We cannot lend you a shilling on this; it is not a valid or negotiable security."

192. That is on the assumption that he has to borrow the remaining portion of the purchase money?—That at any time during the 33 years he requires to raise money on it. At any time while any portion of the money originally advanced by the Board of Works remained a charge upon the land he could not deposit his deed as a security to any bank; he could not execute a mortgage on it, for this reason, that no lender would be found.

193. I think you said that where the interest of the seller had to be consulted, you did not see how many small tenants could buy; now how do you reconcile that with the scheme which you have just proposed?—That observation of mine, I think, had reference to the operation of the Landed Estates Court, in which I thought it was a very undesirable thing that a few tenants should have their lots picked out, and that the estate should be sold. In reference to that it was that that observation arose.

194. And you pointed to the 46th section of the Act, did you not?—Yea.

195. And especially to the words, "so far as is consistent with the interests of the persons interested in the estates"?—Yea.

196. Those being the words which deter now, would you in any new scheme disregard the interests of the persons interested in the estates?—By no means; that is the very last thing I should do.

197. Then you would think that a clause to the same effect as the 46th Clause would be a necessary accompaniment of any new scheme?—According to my view of the new scheme that question would not arise, because I propose that the Commission should purchase with the consent of the vendor, and should purchase in good faith. It is for the vendor to say whether he

Mr. Ferns.

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1878.

Mr. Vernon.

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1878.

Mr. Heygate—continued.

will sell to them or not; I do not propose to compel him to sell to them.

186. Then the Commission is to take the risk of the estate being sold in lots, and having a residue difficult to sell?—Quite so; I think that is an unfair condition to impose on a proprietor; I think he has a right to get the best price for his land, irrespective of the interest of anybody.

187. Following up the questions which were asked you by the right honourable Member for Birmingham as to your experience of the farms which have been bought by tenants under the Church Act, let me ask you what is your experience of their condition?—My experience is very favourable to them; I think they are in a more thriving and a more satisfied condition than any tenantry otherwise situated.

188. To what extent have you had experience of such farms?—I have not seen very many of them; I have seen them scattered about in one or two parts of Ireland.

189. Do you know cases of any considerable number of farms which have been sold piecemeal in this way?—I know, for instance, that in the estate which I spoke of, where 85 tenants purchased lots, they are doing admirably.

190. What estate is that?—The Earl of Gosford's estate; those tenants are doing very well; from one of them I got a return of the estate. He spoke very contentedly, though he gave 25 years' purchase.

191. In that case there were 81 tenancies, and 35 only were enabled to be sold?—Yes.

192. Have you been over those 35 tenancies?—No; I have seen several of the men, but I have not been over the estate.

193. How, then, do you know that they are so favourably situated?—I think, when you see a man thriving in his circumstances and contented in his mind, you see he is more likely to be a good citizen than a man not so situated.

194. Your experience amounts to this, that there are 35 tenancies out of 91 purchases, and you have seen some of those tenants who are in a happy state of mind?—I have also seen some of the globe tenants, and they are doing very well. I have seen one tenant particularly, who borrowed the whole of the difference between what he gave and what he got from the State, and I think he is a great instance of improvement; he has built a house, and he has paid off the advance at the bank.

195. Is this man one of the 35?—No, that is one of the globe tenants, who purchased under the Act of 1869, without any clause of alienation.

196. But do not you think that, before giving a general opinion as to the results of a series of purchases of this kind, a person ought to be in the position of having inspected a number of them side by side; here are 35 now in Lord Gosford's case; do not you think that, before being able to say that the purchase has resulted satisfactorily, you ought to have seen the whole of those 35 tenancies, and known what they were before?—I knew what they were before; of course I should be able to give a better judgment of those individual cases; but the cases I have seen seem to have been fairly prosperous under the new state of facts. Wherever I have seen an owner, I think he is generally a better member of society than when he was paying a rack-rent; however, that is only a matter of opinion.

Mr. Bruce.

197. I see in this return of land sold in the Landed Estates Court, which was presented to Parliament this morning, the Estate of the Earl of Gosford, in the county of Cavan, is mentioned, and that return contains the acreage of each lot sold, and the quantity which the purchaser was entitled to immediate possession of; now I suppose that column which specifies the quantity which the purchaser was entitled to immediate possession of, shows the number of tenants who purchased their own holdings?—I should say not; I should say that referred to the land that at the time of the sale was in the hands of the Earl himself; of course they would not be entitled to immediate possession of it if it was in the hands of a tenant. I have not seen the return to which you allude, and therefore I am quite in the dark about it.

198. I find by that return that in the year 1876 there were 56 holdings sold out of 91?—That is very near what I said, 36 and 19.

199. And the average of the purchase-money came to 23½ or nearly 23½ years' purchase for those 56 holdings?—Yes, the tenants all purchased at 25 years.

200. But some of these holdings were very small indeed?—Very small indeed, down to eight acres.

201. Even less than eight acres?—Some very small lots.

202. From No. 35 to No. 48 there are about 12 or 13 holdings, the largest of which was two acres?—There are some on the other hand tolerably large for that class of property; the holdings in that country are very small throughout.

203. I think in your examination, in answer to the questions put to you by the last honourable Member, you adhered to your opinion that holdings cannot be sold to tenants without a certain sacrifice of the interests of the vendors, or the landlord?—At all events at a risk to the vendor if they are picked out.

204. And your idea is that that loss, that sacrifice, should certainly not fall upon the vendor?—Clearly not. My idea is that the vendor has a right through the Judge of the Court to get the highest price for his land which the land is capable of fetching in the open market.

205. And do you think that that ought to fall upon the tenant or on the purchaser?—It will be for the tenant to consider whether he is prepared to undertake it; whether the advantage that he gains is equivalent to the loss that he has to make good, what I might call the insurance premium on the other.

206. But I mean to ask in regard to your scheme which you would propose to the Committee, do you think that in that scheme the risk of this loss should be thrown upon the purchaser?—I think that the Commission should ascertain whether all round they could get the price.

207. What price?—Such a price as they thought a fair and just price, having regard to what they gave. I do not think they ought to buy unless they can see their way to sell, and I think that having the advantage of capital to advance to the buyer, they ought to be able to sell better than anyone else.

208. If I understand you rightly the process by which you would proceed would be this: the Commissioners would send down to the estate and ascertain whether they were willing to buy?—Yes.

221. Now

Mr. Bruce—continued.

221. Now would that declaration of the tenants be in the form of a contract?—I think it might be made in the form of a proposal.

222. Which would be a contract binding on the tenants?—I think I would make it so. I would make it a contract binding on the tenant, subject to the acquisition of the property by the Commissioners; in the event of non-acquisition of the property, of course it would fall to the ground.

223. Then what would be the penalty in case any tenant did not fulfil his contract?—I would sell it over his head and I think that would be quite enough for him.

224. But might there not be a risk of loss in that process?—I suppose there is scarcely any operation in the world in which you can perfectly hedge against all loss; but I do not think there ought to be risk if the thing is properly managed.

225. But supposing that when the emissary of the Commissioners was sent down to them, the tenants, or the greater number of them, said that they were willing to buy at a very high price, and it was ascertained afterwards that that price was a much higher one than anybody else was willing to give, you would allow the Commissioners then to reduce the price which they demanded from the tenants?—No doubt, after covering their own purchase and expenses.

226. Then, after the Commissioners had ascertained from the tenants what they were willing to give, would you require the Commissioners to ascertain the value of their estate?—I think that they ought to ascertain sufficiently to be able to see whether the tenants were offering an undue value, or such a value as they could not pay; I think they ought to see due caution. I assume that a man would do with regard to that, what he would do with reference to an estate he was going to purchase himself, satisfy himself that it was fairly worth the money; that the rental represented the value, and was not a fictitious rental.

227. Then, the price having been so ascertained, the Commissioners should make an offer to the judge of the Landed Estates Court, a private offer?—It very often happens in this way, almost universally, that notice is given that up to a certain date private offers will be accepted. It is open to the Commissioners to make a private offer; it is open to the vendor to refuse that offer; it is open to the Commissioners then to say, "Very well, we will see if we can buy by auction."

228. But that offer having been made by the Commissioners, you would allow the vendor the privilege of refusing it?—Clearly; I think it would be his undoubted right. I would not ask the vendor to give his property on a shilling under that which it would fetch in the open market.

229. You would give the vendor the power to refuse the Commissioners' offer?—Clearly.

230. Absolutely, whether he got a proper offer or not?—Clearly; he might say "That is not the price I want or will take, but if you will give me five more years' purchase, I will take it."

231. And if the judges obtained from any other purchaser by private offer a higher price, it would go to him?—That would be only fair and just.

232. Otherwise it would go to public auction?—Otherwise it would go to public auction.

Mr. Bruce—continued.

233. That would you allow the Commissioners at that public auction to increase on the offer they had previously made?—I think that must depend on the sources of knowledge they had; if they saw their way with the tenants, they might fairly do so; if they did it otherwise, they would be very badly advised.

234. Then you would allow the purchasing tenants to increase the price which they had agreed to give to the Commissioners when the Commissioners' officer first came down to ascertain?—This state of facts would arise, the Commissioners would say, "We have offered such a sum as you have proposed to give us, we cannot get the property for that; is it worth more to you? If it is, sign new proposals, send them up to us, and let them be stamped, and we will hold you responsible for any loss the Commission incurs."

235. You spoke of there being such a small number of peasant proprietors in Ireland, and of the fact that so few had purchased their holdings in the Landed Estates Court; now do you think that there could be any explanation of that fact, an explanation of the same kind as has been given in England, where so many of the small proprietors have sold their property, that the interest which is got for money invested in land is so much smaller than the interest which can be got for money invested in other securities?—I do not think that state of facts arises in Ireland; the interest for money invested in land in England is very much smaller than the interest in Ireland.

236. But the interest of money invested in land in Ireland is scarcely a high interest, is it?—A man in Ireland will scarcely like to purchase unless he gets from 4 to 4½ per cent. for his money.

237. Do you think that 4 per cent. represents the highest interest that a man can get for his money in Ireland in any investment?—That is a question which would be answered differently at different periods. Three years ago, say, it might have been perfectly different. Take, for instance, the question of loan money in Ireland; loan money in Ireland some years ago was 5 per cent.; all the large insurance companies have adhered to 4½ per cent.; and the result that is going on in Ireland now is, that large insurance companies are being paid off, and that the landlords are obtaining money at 4½ per cent.; therefore I might take 4½ per cent. to be about what is to be had now on mortgage in Ireland.

238. That only represents interest on money invested in land?—I do not know where you could put money now in Ireland to produce you more than 4 per cent.: take, for instance, the staple investments outside of the funds; take, say, railway debentures; there is no railway debenture now in Ireland of a first-class railway that will give you more than 4 per cent.

Sir John Leslie.

239. There is a point I do not think you have given any opinion upon, which is about cultivation. One would suppose that when the State lends money, in addition to the advantages to be conferred upon the tenant, the State would look naturally for improved cultivation; would you think that likely to be the result or not of a small proprietary being the proprietor of such land as they cultivate?—If you look for high farming,

Mr. Vernon.

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Sir John Leslie—continued.

farming, or scientific farming, you would never dream of *petite culture*; you would never establish small farms, you would have large farms; but in Ireland we deal with facts as we find them, and the fact is that the country is in the possession of small occupiers, whom the Legislature, rightly or wrongly, I do not say, declines to disturb. Therefore it appears to me that the only question that arises now is whether land held by a small holder, as a tenant, having the superintendence and, perhaps, the assistance of his landlord, will not be better cultivated than land in possession of a man of the same calibre, but having no control over him at all. My answer to that would be this, that I think it is true to human nature that the right of ownership ought quite to make up for the other.

240. But in the answer you gave you said that tenants on large estates are sympathetic about becoming owners?—I think so.

241. And they would, if I do not mistake, turn out to be those who really cultivate their farms about the best among the tenant farmers?—I think it rather more from a sense of security than from any feeling that the land is better or worse cultivated; I think they have a greater sense of security than a man about to have a new landlord.

242. Supposing that the same man, one of those who happen to live on one of the large estates, had to purchase his holding, he would naturally have to find the money, and then would he not draw that money, to a certain extent, from that which he should put into the ground?—No doubt he would, in a certain degree; but, on the other hand, look to the operation of what takes place in your own country, and you will see there that the man will give nearly the fee of the land for possession of it; yet in some way or other they thrive. I do not venture to explain how it is, but I merely state a fact which I am sure is within your own cognisance.

243. Then with reference to the size of the holdings, I do not know whether there is, or is not, any limit put to the size of the holdings which may be purchased with money borrowed from the State?—I do not think there is any limit put to it.

244. What would you think upon that subject?—I think that a reasonable limit would be very desirable.

245. In fact, that if it was a very small holding, his having borrowed the money to purchase it would almost lead to the conclusion that the man would afterwards be too poor to farm it?—I think it might be so; at the same time we see results which are contrary to all economic theory. We see that in the north of Ireland they give large sums for tenant rights, and after that we see them cultivating better than they do in the south of Ireland, where they give nothing; I admit that it is an anomaly which I cannot explain, but the fact is so.

246. Then supposing the intention to be to increase the facility, I will suppose it would be, to lend three-fourths instead of two-thirds, would not that rather induce these smaller tenants to come in to purchase, and borrow the money for the purpose?—I think it would; but on the other hand, assuming a man to buy and to borrow the whole of the money, supposing he borrowed three-fourths from the State, and one-fourth from private sources, and buys at 25 years' per-

Sir John Leslie—continued.

centage, and pays 5 per cent. for his money, the practical result will be to him really that he pays 1 per cent. on his purchase money increase in rent, that is to say, increases the rent by 1 per cent. on his purchase money. I do not think that there are many small tenants in Ireland who would not to-morrow be delighted to increase the rents by 1 per cent. on the condition of having no further increase. The man who has borrowed is no worse after all, save by the 1 per cent., than the man who pays his rent, and he is this better off, that he will never have his rent raised; so that from his point of view the operation is one which he will think very beneficial.

Sir Joseph M'Kenaz.

247. I will ask you one or two questions which are simply with a view to consolidate as much as I can your evidence on certain points which appear to me to be perfectly clear, except that, necessarily from the nature of the examination, they are somewhat spread out. I understand that the result of your evidence is that the facilities of sale on liberal terms, and the giving to tenant purchasers a long period for repayment of the purchase price, would be a condition sufficiently favourable for the Land Commission to secure them against any reasonable risk of loss?—I think so, assuming the Land Commission to exercise their powers with reasonable judgment.

248. With such judgment as you would expect from a Commission like the Church Commission, for instance?—Yes.

249. And I understand it to be also your view, as complementary to the last question, on re-sale at prices which would remunerate the Commissioners, the purchase would only involve an annual payment not very much greater than the present rent?—Assuming the conditions to be 5 per cent. for the money, and 25 years' purchase; precisely what I stated in reply to the question of another honourable Member.

Mr. Finliffe.

250. It is proposed by your scheme to send down an agent to ascertain from the tenants what price they would be willing to give for their farms?—Yes.

251. He would not have the power to assure them that that price would be accepted?—Not until he had reported to whoever was the chief of his commission, I presume.

252. Could the chief of the commission, under your scheme, give such an assurance?—No, he would have to give it in this form; I think I stated, in reply to the question of the honourable Member for Carlow, that the offer of the tenant must be made in this form, that it is conditional on the Commissioners becoming the purchasers; otherwise that it was to fall to the ground.

253. Would not your objection to the present system, that it is hard to ascertain from the tenants what they would give unless you can give them the certainty that their offer would be accepted, also apply to your own scheme?—I think there would be some difficulty, because very naturally they would try at first to shirk; but when they found that the alternative was that the thing fell through, and that they were put up to auction, I think that would bring them in pretty quick.

254. Do you not consider that they would think that an offer to the agent of the Commissioners

Mr. Parnell—continued.

donors might somewhat prejudice their purchase in the open market afterwards?—I think, if two or three of them had been bitten, they would not think so; if the Commissioners withdrew and left them to the ordinary market, they would soon find out that it was not their interest to have that result brought about. I think they would look upon a Commission framed for this purpose as a Commission framed in their interest; I do not think they would view it with the same suspicion as they would an examiner in the court.

255. Whence do you propose to pay the agent, supposing the offer of the Commissioners not to be accepted by the vendor?—I think I stated, in answer to another honourable Member, that that was a question which I had not considered; but if it did fall on the Commissioners, it could not be very serious.

256. Serious or not, somebody must pay it; do you mean that it is to fall on the Commissioners eventually?—I think so.

Chairman.

257. The agent in question would be a permanent officer of the court, would he not?—He must be. The Church Temporalities Commissioners have had an officer attached to them on whose report they have acted. I bought under his report, and very dear he made me pay for the land I bought.

258. Is it not the case that for nearly the whole of Ireland one officer has explained to the tenants purchasing under the Church Temporalities Commission the nature of the proposal?—Yes.

Mr. Parnell.

259. You said that you would approve of some kind of check, either by means of a Treasury officer or by a public audit, upon the discretion of the Commissioners; do you mean as to the price which they would offer?—No, I think that if you shackles the Commissioners in that way, you may as well go back to the Board of Works.

260. Now, in point of fact, so far as there is any danger of the Commissioners doing what is very handsome, both by the seller and by the tenant, at the expense of the public, or the Church surplus, or whatever the fund is from which the money is to be advanced, you would propose no check upon that except the high character of the Commissioners themselves?—I think you would have a check in this way: I think their operations would be daily reported. I presume that no Government would leave the handling and administration of a large sum of money absolutely and irresponsibly in the hands of Commissioners. I do not think the Court of Audit, whatever it was, could deal with every transaction; but I think that it would be for them to see on the face of their report what was the nature of the operations which they were engaged in, and if they were guilty of such indiscretion as to engage in operations entailing a loss to the State, I should give that Court of Audit a power of controlling them.

Chairman.

261. I think you are rather mixing up the audit with the Treasury control?—If any theory

Chairman—continued.

be at all true, the money would not come from the Treasury.

262. Then it would be merely a question of audit?—It would be a matter of audit apart from the Treasury, as I understand it.

263. Just as the Church Commissioners are now subject to an audit from the Audit Department?—Yes, and they are subject to the action of Parliament.

264. But they are not subject to Treasury control?—No; but I think, of course, they would be subject to audit.

265. Your proposal is, that if this Irish money were utilised for this purpose, then it would be necessary only that this Commission should be subject to a central audit?—Yes, and to the control of Parliament.

266. If, on the other hand, Imperial money is used, then it would be necessary that they should be subject to Treasury control?—If they used the Treasury money they must have Treasury control, as exercised over the Board of Works.

Mr. Parnell.

267. I suppose what you mean by the proposed Commissioners' being found to have dealt extravagantly is this: you mean if in a number of instances it appeared that they had given to the seller a greater price than they were able afterwards to obtain from the tenants?—I think then it would be high time to pull them up.

268. Is that the only check that you see?—That, and the character of the Commission; what check have you had over the Church Temporalities Commissioners; they could have sold at any rate they chose the outside lots, and they have discharged their duty very fairly; they have made as much money by what they had to sell as could have been made out of it; I do not see why other Commissioners should not act honestly.

269. I am not supposing that they would act dishonestly, but supposing that there were indiscreet Commissioners who were willing to give very high prices in the interests of the seller; supposing the Commissioners say to a man, "We will give 27 years' purchase," and it may turn out afterwards that they are not able to get as much from the tenants for the lots which they buy, or from the public for the residue?—They would be subject to your honourable House here, and the public would have immediate control over them. But, as a general rule, I think that Commissioners run to the opposite extreme.

Chairman.

270. I presume that the main advantage which you would expect to derive from using Irish money for this purpose would, be that you would get rid of that very minute control which the Treasury exercises over the Board of Works upon these proposals?—Quite so; but apart from that, I am not quite sure that it would be quite fair to take an Imperial subsidy for a local advantage.

271. Are you aware whether now every single application for a loan to a tenant is not only submitted to the Board of Works but goes to the Treasury?—Yes, and you have the result before you.

272. And have you looked through the various decisions given by the Treasury upon the subject?—They appear to me to have started very strong and to have come down very gently. They have modified their views; at first they seemed

Mr. Foran,  
26 February  
1870.

Mr. Ferson,

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1878.

Chairman—continued.

to be very strong against certain things which they afterwards seem, in following minutes, to modify considerably.

273. In the meantime, many persons got much less money than they expected, or none at all?—Yes.

274. You think that there would be an advantage in one Commission dealing with the whole subject?—I have no doubt that if the measure is to work at all, it must be worked by an independent Commission, call it whatever you like.

275. Or be the members of it whoever they may?—Yes; of course they must be men of discretion and position, and character.

276. Do you think that considerable disappointment has already existed among the tenant farmers of Ireland, who have been invited to come up to the Landed Estates Court, but have found that they were unable to buy?—I cannot speak to that from my personal knowledge; I have heard it said, but of my own personal knowledge I do not know of any cases; I have heard them complain.

277. Looking to the number who have been able to buy, and to the number of tenant-holdings which have been sold, there must have been such cases?—I do not think they look upon it as a reality except for a man whose lot is exceptionally placed, where the seller is willing to consent to sell, it being sold separately.

Chairman—continued.

278. It has come to be looked upon as a very exceptional circumstance that a tenant should be able to buy at all?—I think they look upon it as such under these clauses.

Sir Joseph McKenna.

279. A tenant paying 20*l.* a-year, who paid to the new Commissioners, whom you propose, 30 years' purchase for his holding, would be able to borrow 450 *l.* upon that; is not that so?—Yes, at the rate of three-fourths.

280. For that his payment would be, at 5 per cent., 22*l.* 10*s.* for 35 years; then the 450 *l.* would be completely amortized and paid off; then he would have only 2*l.* 10*s.* a-year, in addition to the ordinary rent, to pay, if he submitted to pay 30 years' purchase?—Yes.

281. You do not think even if he went up to 30 years' purchase it would operate to make the transaction a dangerous one for the State to lend the money?—Assuming the datum to be a fair one, that is that the number of years' purchase represents the value, I do not think so. Of course that is putting a price which is above the selling value of land in Ireland.

282. I am putting an extreme case, because I do not believe that even that case would involve a danger to the State?—Unless the land was unduly rented. If the land was unduly rented I think it would.

Thursday, 28th February 1878.

## MEMBERS PRESENT:

Mr. Shaw Lefevre.  
Sir Walter Bartolot.  
Mr. Chaine.  
Mr. Heygate.  
Sir John Leslie.

Sir Joseph McKenna.  
Major Nolan.  
Mr. Plunket.  
Mr. Plunkett.  
Mr. Vernon.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. MURROGH O'BRIEN, called in; and Examined.

Chairman.

Chairman—continued.

Mr. O'Brien.

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283. You are the valuer of the Church Temporalities Commission in Ireland?—I am.

284. When were you appointed to that office?—I was appointed to that office in 1871, when the Commission had been in existence for a year or two.

285. Before that, had you considerable experience in the valuing of property in Ireland?—Yes, I had been engaged in the management of land in Ireland, and farming for some years previously to that.

286. Since your appointment as valuer to the Church Temporalities Commission have you had an opportunity of valuing a great portion of their property?—I have valued the greater part of their property.

287. Have you done so with a view to sell to the tenants?—I did that for the purpose of reporting on the property to the Commissioners, for them to fix the price. I have also had to visit their property in all parts, to examine into questions which arise from time to time in the management of it.

288. Can you say that you have seen and valued nearly the whole of the property belonging to the Church Temporalities Commission?—I can.

289. The greater part of their property is in the north of Ireland, I think?—Yes; the glebe lands were principally in the north of Ireland. The total valuation of the glebe lands which came into the hands of the Church Temporalities Commissioners was 56,000 £, of that 46,000 £ worth lay in Ulster.

290. That was the rateable value, was it not?—Yes.

291. The rental value would be somewhat higher, I presume?—Yes, about 10 to 20 per cent. higher.

292. Then besides that, there was the See property, belonging to ecclesiastical corporations?—Yes, that was distributed more equally through Ireland.

293. Therefore the land belonging to them was distributed through Ireland, the principal part of it being in the north of Ireland?—Yes.

294. Will you state to the Committee what is the state of the Commissioners' property in the 0.51.

north of Ireland?—The condition of the Commissioners' property in the north of Ireland was that it was generally in the hands of very small farmers; it lay principally in the north-west of Ulster; there was very little of it in the counties of Antrim or Down, the greater part of it was in Donegal, Fermanagh, Tyrone, Carrick, and Londonderry.

295. What is the average rateable value of the small holdings of the glebe land?—The average rent paid to the Commissioners was 12 £ a year.

296. Would you say that the average was somewhat below that of the average holdings in the whole of Ireland?—I consider that the holdings on glebe lands are very much below the average size of holdings in Ireland.

297. What should you say was the average acreage?—I could not give the average acreage, because some of the lands being of such varying qualities, it would not be a guide to the value of the holdings; I did not look to that; but barring compared the lands of the Church Temporalities Commissioners with the adjoining estates and other properties which I am acquainted with, I consider that the tenants on the Church lands are such smaller holders than the average. My impression is also confirmed by comparing them with the average rateable value of farms in Ireland, which is about 20 £.

298. Were the tenants generally Catholics?—I believe so; I could not give you any figures upon that point, but a very large number of them were Catholics.

299. With regard to the rents which they paid, were the lands highly rented?—Yes, I consider the glebe lands were more highly rented than is customary upon the large estates; they were let above the average of the country.

300. The owners had not been very lenient in that respect; they had demanded a full rent?—Yes; in fact, the owners had been merely tenants for life; they had no family connection with the place, and therefore it was what one would expect, namely, that the properties did not compare favourably with those of the large and liberal proprietors.

301. The Commissioners had very little land in the counties of Down and Antrim, the most prosperous

Mr. O'Brien.

Chairman—continued.

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prosperous of the northern counties?—They had very little land in the counties of Down and Antrim.

302. A large part of it was in the remote and mountainous districts of Tyrone, Fermanagh, Donegal, and Cavan?—It was.

303. Do you consider that the tenants were below the average in respect of the means which they had for buying their holdings?—Yes, I think they were.

304. What should you say comparing them with the farmers in Munster?—I think that the farmers in Munster, who are generally larger holders, have usually more ready money; their capital is also more easily realised, because it almost entirely consists of stock; whereas, in the north a man's capital is very often sunk in orchards, buildings and improvements, suitable to small agricultural farms.

305. Then you would say that the experiment of the Church Commissioners was tried upon a class of people who were rather below the average of tenants in Ireland?—Quite so.

306. Will you state to the Committee what was the course which you pursued with regard to these tenants when you first approached them?—I frequently had occasion to visit lands twice before reporting to the Commissioners; first, I had to visit the lands when they were passing into the hands of the Commissioners from the clergy; and that gave me an opportunity of seeing the tenants, and explaining to them what was likely to be the course pursued by the Commissioners. When the Commissioners took up the sales, I visited the lands for sale, I went to most, if not all, the houses on any particular property which I visited; I selected the most intelligent tenants I could find upon the farms, and explained to them the terms upon which they would be allowed to buy their holdings, that is to say, not telling them the price, because I was not authorised to do so, nor was it fixed; but explaining to them about what they would be charged, and explaining to them the terms upon which they could borrow money, and the terms of repayment.

307. Did you find them generally anxious to buy their holdings?—Yes, they were in all cases exceedingly anxious to buy, and they looked upon the opportunity as a very great boon.

308. Did you succeed in making them understand the nature of the operation or the proposal which was submitted to them?—Yes; but the interest that was offered to them was unfamiliar to them. Of small owners in fee simple there are very few in Ireland, and the consequence was, that the terms used in the legal notices were unfamiliar to them; the term "fee simple," for example, they did not understand; they thought at first, as the Commissioners remarked in one of their reports, that they were only going to pay a fine and buy a lease for ever. Even now, they generally speak of the interest they pay on their mortgage as their rent, and of their conveyance as their lease.

309. Two alternative proposals were made to the tenants, namely, either to purchase subject to a simple mortgage or subject to a mortgage repayable by instalments; did you find that they understood the distinction between those two modes?—No, not at all; the very terms were totally unfamiliar to county farmers, and they also found a difficulty, as even better educated

Chairman—continued.

persons would do, in applying to their own cases the illustrative cases which the Commissioners gave. Before committing themselves to a state of things which was quite unknown to them, and of which they had no experience, they were very anxious to know what was the exact sum of money they would have to pay yearly or half yearly. That could not be told them when I visited them, and was explained only by a circular issued by the Commissioners.

310. What course did you adopt with the view of explaining the course of procedure to the tenant of a particular glebe?—I invited the tenants to ask me questions, and, in some cases, where it was possible to do so, I had all the tenants upon a townland gathered together, and explained to them the course that was adopted, and invited them to ask me any questions. I advised them to combine and employ one solicitor, to save themselves costs, and I gave them other directions like that. When the Commissioners found the tenants were not prepared to receive these offers, and that they did not understand the operation of the Church Act, they sent out a memorandum with each demand for rent, which has not been before the Committee, and which I might be permitted to read. It is as follows:—

"Memorandum.—The Commissioners of Church Temporalities in Ireland wish to draw the attention of their tenants to the privileges given to them by the 34th & 52nd Sections of the Irish Church Act, 1869, in order that any one who wishes to do so may be prepared to avail himself of those privileges when the opportunity occurs. By the 34th Section the Commissioners are empowered to offer the fee-simple of his holding to each tenant, at a price to be fixed by the Commissioners, and at an interval of three months from the date the offer is given, before the expiration of which the tenant must pay or secure the purchase-money, if he desires to buy his holding. By the 52nd Section the Commissioners may lend a portion of the purchase-money to the purchaser. The following regulations have been made respecting sales." These regulations have already been placed before the Committee, and then the memorandum continues: "The Commissioners cannot fix a time at which any particular holding will be offered for sale, but they give this general information in order that any tenant who wishes to purchase his holding may be prepared to do so when the offer is made. Full instruction will be sent with the offer." That memorandum was sent out with the demands for rent to the tenants, because the Commissioners found that they were not preparing for the offers to be made to them.

311. Did you find the tenants very much afraid of incurring legal expenses?—I did not find them afraid of that, but I found them exceedingly astonished when they discovered what amount they had to pay, for they did not anticipate having to pay such an amount as they had to pay.

312. Had they expected, as far as you knew, to be relieved altogether of the expense?—I do not think they had formed any opinion on the subject, but the costs they had to pay for their expenses, connected with the mortgages, far exceeded anything they expected; of course they were aware that they would have to go to a solicitor, but I do not think they anticipated the costs of the deeds.

313. The



Chairman—continued.

313. The result of your inquiries was that a very large number were able, and prepared to buy their holdings?—Most of them made the greatest exertions that they could by selling their stock to purchase their holdings.

314. The total number of holdings sold by the Church Commissioners is stated as 4,400?—That is so.

315. It has been stated by Mr. Doherty that a considerable proportion of the number consisted of house properties; can you state to the Committee what the actual number of house properties is?—I can give the Committee an estimate of the house property which has been sold, taking the latest return which has been made by the Commissioners up to the end of the last year. The Commissioners sold to tenants under the 34th Section, 5,243 holdings up to the 1st January of this year; of that number I estimate the house property in towns to be 250. There was another class of house property, namely, agricultural labourers' cottages; in some cases there was a small amount of land attached to those cottages, and, therefore, they are not exactly to be termed house property, but of them I reckon there were about 250 more, taking the latest returns of the Commissioners; that would be 500 out of the 5,243 which were agricultural holdings.

316. Those agricultural labourers' cottages, I presume, have a small amount of land attached to them?—Yes.

Mr. Pender.

317. Have you any idea of the value of those agricultural holdings?—They were very small. I can give the Committee an instance; it has been noted by the Commissioners in their report that the suburb of the village of Ballynabe, in the county of Mayo, consisted altogether of low wretched cabins; to some of them there was land attached, while many of them were in a very bad state.

Chairman.

318. Were those properties valued in respect of the land or of the houses?—They were sold at about four years' purchase all round; some of them were sold for half a year's rent, they were in such a miserable condition.

319. You do not mean to say that the other holdings had not houses upon them, but that they were substantially agricultural occupations?—Those I speak of as agricultural labourers' cottages were detached cottages in the country, or small country villages; but what I call "house property" is houses in towns like Dublin, Waterford, and Cork, and of these I reckon there were 250.

320. But irrespectively of those, the others were agricultural holdings with houses upon them?—Yes.

321. The total number sold up to the end of last year was 5,243, of that number 707 were sold during the last year?—Seven hundred and seven holdings were sold last year to the tenants.

322. How many holdings were sold to the public up to the end of last year?—One thousand and six holdings have been sold to the public.

323. The 1,906 were sold as residences; the tenants had had the opportunity of buying them, but they were unable to buy?—The tenants had had two offers.

324. And finding the tenants unable to buy the 651.

Chairman—continued.

Mr. O'Brien.

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Commissioners put up the property to the public, did they not?—Yes, they did.

325. And the public have bought 1,906 of those holdings?—Yes.

326. Leaving between 2,000 and 3,000 undisposed of?—Yes; but the Commissioners are selling to the public and the tenants every day.

327. The remainder, therefore, are in course of sale to the tenants?—Yes, the Commissioners are in communication with several of the tenants.

328. Some of the properties did not come into hand until lately?—Some of them have only vested in the hands of the Commissioners within the last two years, and some only within the last few months.

329. Therefore, there is reason to expect that a certain portion of the residue will still be sold to the tenants?—Certainly.

330. I think Mr. Godley told us that of the 5,240 holdings which had been sold to the tenants, a certain portion had been ostensibly sold to them but really bought by the neighbouring landowners; can you confirm that statement?—The tenants in some cases assign their right of pre-emption to different people in whom they have confidence, in order to secure to themselves a kindly landlord. Mr. Godley made an estimate from the information which was in the office which showed the number of conveyances which had been made to parties, other than the tenants, and he estimated the number from that source at 500. I believe the number who have assigned their right of pre-emption is in excess of that, because in some cases the conveyance had not been made when Mr. Godley's estimate was given in. In other cases I have made inquiries, and I should estimate the number at something more than that.

331. What estimate would you make as to the number of those cases?—I should estimate it probably at about 800.

332. Did the tenants in most of those cases receive some consideration for the assignment of their right of pre-emption?—In the cases which have come under my notice the tenants had in the first instance assigned to people in whom they had confidence, and therefore they obtained for their landlords men who would not kindly towards them. In some cases I have known long leases to be given, such as leases for 99 years and 500 years; I have even heard of leases for ever, but I could not mention any such case from my own knowledge. In other cases the tenant received a year's rent, and an agreement that his rent should not be raised during his life, or some advantage of that kind.

333. In your opinion, about 800 should be deducted from the 5,250 to represent the number of holdings which have been absolutely bought by the tenants?—That is the best estimate I can form of it; it would be impossible to form an accurate estimate.

334. That would leave about 4,450; then there are the 1,906 which you have already told the Committee have been bought by the public, and then there are about 800 which have been bought by the neighbouring landlords through the tenants?—Yes.

335. Then there remain about 2,000 undisposed of?—Yes.

336. Of which you anticipate a considerable number will be bought by the tenants?—I do.

Mr. O'Brien.

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1874.

Chairman—continued.

337. You have told us that you find the tenants, as a rule, anxious to buy; were some of them unable to buy in consequence of the offer coming to them at a somewhat inopportune moment, that is to say, at a time when their savings were required for other purposes?—Yes. Many persons, in themselves solvent, were unable to buy, because they were unable at the moment to spare money from other things, or because they hesitated to lock it up in land. For instance, a man in the county of Armagh told me that he could not buy his holdings because he had agreed to give a marriage portion to his daughter, and that took all his savings. A neighbouring farm was held by three sisters who had money, and they were very solvent rent-payers, but they did not buy, because they thought one of them might marry and require her portion out of the farm, which could not be given to her if they locked it up in the land.

338. Still a very large number had the means of buying and handing over to the Commissioners a portion of the purchase-money, giving a mortgage for the remainder?—I could not say they had it, but they got it in some way or other. A great deal of the money came from America, and some from relations, sons and daughters working in Scotland and England. A good number, of course, had it already, but I could not give any exact figure upon that point.

339. A considerable number paid the Commissioners the full purchase-money, did they not?—Yes, a good many paid the Commissioners the full purchase-money.

340. It has been stated that nearly 2,000 paid the full purchase-money to the Commissioners; can you state whether or not that is correct?—I have not looked into those figures.

341. Of these, I presume, a considerable number obtained the money from their relatives at home or in America to complete the transaction?—I have made inquiries, and I find that a great deal of the money has come from America, or from relations upon this side.

342. What has been the average rate of purchase for the land sold to tenants?—The rate of purchase has been over 23 years' purchase.

343. What was the average rate of purchase for the sales last year?—About 23 years' purchase.

344. What was the exact figure?—The exact figure was 23½ times the rent.

345. For that portion which was sold to the tenants?—Yes.

346. Can you compare that price with the price obtained in the Landed Estates Court?—The return which has just been issued, of the lands which may fairly be compared with the lands sold by the Commissioners, is one furnished by the Landed Estates Court of all fee-simple lands subject only to quit and tithe rent-charge.

347. Therefore, excluding cases of jointure, and so on?—Yes; the average prices obtained, according to the return, were, in Ulster, 23·23 times the rent, in Munster 20·82, in Leinster 22·63, and Connaught 21·97.

348. What was the average of the whole?—22·28.

Mr. Hoggate.

349. Had they to deal with land other than in Ulster?—Yes, their lands were scattered all over the country; they had land in almost every part of Ireland, but very small properties in the south; very few large estates.

Mr. Phasket.

350. The plots sold to tenants under the Commissioners fetched, as I understand you, an average of 23½ years' purchase, all round; do you observe any difference between the average price of the plots sold in Ulster and that of the lands sold elsewhere in Ireland by the Commissioners?—Yes; my impression is that the Commissioners got rather better prices in the south than they did in the north.

Chairman.

351. You account for that by the fact that the glebe property, being mainly in the north, was hardly equal to the average of property in Ireland?—Quite so. The property in the north very often consisted of large estates on mountainous ground, held by a very poor class of tenants, whereas the lands in the south were, on the contrary, better lands, to begin with, and held by a better class of tenants.

Mr. Hoggate.

352. Was the land more highly rented in the north than in the south?—It was more highly rented, on the whole.

Mr. Phasket.

353. Have you any theory in your own mind to reconcile those facts: in the first place, that the average price which you obtained in Ulster for the sales under the Commissioners to tenants, and, on the other hand, that the average price obtained for sales made under the Landed Estates Court, in Ulster, was better than the price they obtained elsewhere?—No, I have not any theory to reconcile those facts. The Commissioners' property in the south was not sufficiently large to draw any conclusion from, or to compare it with the sales in the Landed Estates Court.

Chairman.

354. I gathered, from the beginning of your evidence, that the greater portion of the glebe land was in the north, and that the glebe land was poor property, highly rented, and therefore below the average of other land in Ulster?—Yes.

355. And, therefore, did not compare favourably with the Episcopal land in the south of Ireland?—Quite so.

356. And that would explain the discrepancy, would it not?—The explanation I give is this: that the lands which the Commissioners had to sell in the south were better in themselves, and were not so highly rented, but I have not been able, nor can I compare them with the property which is spoken of in this report of the sales in the Landed Estates Court, because I do not know this property.

357. But the average price which the Commissioners obtained for the whole of their property is slightly better than the price obtained in the Landed Estates Court for land in Ulster?—Yes, it is somewhat better.

358. Can you give the Committee an example of some cases of properties sold by the Church Commissioners in different parts of the country; I think you have four sample cases which you can cite to the Committee?—I have made inquiries in different places, and wherever I go, I inquire how the tenants are getting on, and how they have raised the money, and what expenses they have been put to; I have taken four sample cases.

*Chairman—continued.*

cases, one in Kilkenny, another in county Waterford, another in county Cavan, and another in county Tyrone, to show what the tenants paid, how much they paid for the holding, what they paid for their deeds where I could ascertain it, and where they got the money.

359. Will you give the Committee the first case of Kilkenny?—There were 14 holdings sold there at the price of £7,445 *l.*; of that £800 was paid down to the Commissioners. The first holding was sold for 1 *l.*; the man was a day labourer, and had saved the amount.

360. That was the case of a labourer's cottage, was it not?—That was the case of a labourer's cottage, with a plot of ground, amounting to one rood or less; it was upon the side of a mountain, and had been reclaimed entirely by him, and the houses had been built by him at some cost; it was a slated house, and he was merely paying the ground-rent of his home. That case stood in a very exceptional position. In the second case the price of the plot was 105 *l.*; he paid down 27 *l.*, which he sold stock to pay, and the cost of the deeds was 7 *l.* 10 *s.* In the third case, the price of the farm was 140 *l.*; he paid 35 *l.* down, 7 *l.* for the deed, and he sold stock, which he particularized to me as a stripper, a heifer, and four ewes.

361. You have visited these farms since the purchase, have you not?—I have visited those farms since the purchase.

362. Can you say how those men were doing when you visited them again?—When I visited them, I think, they were in a prosperous and thriving condition. The history of this Kilkenny property was this: it came into the hands of the Church Commissioners at the end of 1849; it had been held by a middleman before; it was descended in 1849, by Mr. William Stewart Trevelyan, Lord Lansdowne's agent, as a very wretched property.

*Mr. Hoggins.*

363. Were these purchases which you have spoken about, all in the same year?—No, they were in different years.

*Chairman.*

364. I suppose that all in this one globe were sold together?—Yes, they were.

365. Can you produce a map of these cases?—Yes, this is a map of the Kilkenny cases (producing the same).

366. Were those properties sold in the same year?—The dates of the sale of the Kilkenny property were chiefly in 1871 and 1872; this land was offered at the beginning of the sale of the residue, and until they received the money they were ready to sell to the tenants at any time.

367. Can you explain this map to the Committee?—The property lies principally about from 600 to 900 feet above the level of the sea; some of it running up to 900 feet; it is upon very high ground.

368. There were 22 tenants upon the whole property, and there were 14 who bought; is not that so?—There were more than 14 who bought.

369. What size is it?—Five hundred and eighteen acres.

370. Will you kindly go through the list, showing how the tenants obtained the money in 0.51.

*Chairman—continued.*

each case?—In case No. 5, the price of the farm was 121 *l.*; the amount paid down to the Commissioners was 31 *l.*; the cost of the deeds 6 *l.* 10 *s.*, and the tenant sold stock to raise the money. In No. 6, the price of the farm was 102 *l.*, and the amount paid down to the Commissioners was 26 *l.*; the tenant sold stock and had some previous savings.

371. I see against that case you put down a memorandum, "starved himself"?—It was the tenant's expression that he had starved himself.

372. In order, I presume, to re-stock his farm?—In order to re-stock his farm and pay his costs.

Now comes No. 7; in that case the price of the farm was 49 *l.*, which was all paid down to the Commissioners, and the cost of the deeds was 3 *l.*; the money was earned by dealing in cattle. In No. 8 the cost of the farm was 105 *l.*; the money paid down was 26 *l.*, and the cost of the deeds was 7 *l.* 8 *s.* That farm was bought by the brothers-in-law of the tenant, who live on an adjoining estate, and they kept the tenant the cottage to live in and an acre of land. In case No. 9, 110 *l.* was the price of the farm, and 28 *l.* was paid down to the Church Commissioners; the cost of the deeds being 7 *l.* In that case the tenant sold stock and borrowed from friends to complete the purchase. In case No. 10, the price of the farm was 97 *l.*, and the money paid down 25 *l.* In that case the interest in the farm was sold by the tenant to a neighbour who then bought the fee, and the tenant went to Australia. Then in case No. 11, the price of the farm was 97 *l.*; the money paid down was 25 *l.*, and the cost of the deeds was 6 *l.* 4 *s.* 6 *d.*; in that case the tenant sold stock and borrowed from his friends. In case No. 12, the price of the farm was 183 *l.*; the amount paid down to the Commissioners was 45 *l.*, and the cost of the deeds was 7 *l.* 16 *s.*; the tenant sold two cows, two calves, six sheep, and borrowed 10 *l.* at 20 per cent. for a short time, that is to say, 1 *s.* a quarter per pound sterling. In case No. 13, the price of the farm was 167 *l.*; the amount paid down to the Commissioners was 100 *l.*; the money was obtained by rearing stock, and money saved during many years. In case No. 14, the price of the farm was 113 *l.*; the sum paid down to the Commissioners was 29 *l.*; in that case the tenant got 60 *l.* commutation money as sexton, and, therefore, was in a position to purchase.

373. The 14 purchasers which you speak of were not the whole of the tenants of that glebe, but were all the people upon you were able to see when you visited the property after the sale?—Those were all I was able to see on that day.

374. When did you last visit the property?—In January.

375. What was the date of the sale?—The sales were effected in 1871 and 1872.

376. Therefore, the tenants had been in possession of the property for some time?—Yes.

377. How did you find the new owners upon your visit?—I had no previous acquaintance with this estate, but it had been in the hands of the Commissioners since the end of 1869, when the lease expired by which it was held from the See of Ossory by a middleman; the middleman and some other people negotiated with the Commissioners to re-let this estate to them, or to buy it.

378. What

*Mr. O'Brien.*

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Mr. Heggate.

378. What was the length of the lease?—I could not tell you, but it expired, as I say, in 1869. Lord Lansdowne had been interested in the property, and Mr. Stewart Trench, his agent, negotiated with the Commissioners for the re-letting of it, and Mr. Trench, in 1869, wrote to the Commissioners thus: "I consider it one of the worst circumstanced estates I have ever seen in Ireland, consisting of a numerous and pauper population, wretchedly housed and highly rented."

Chairman.

379. That was the opinion given upon it by the agent of the lessee?—Yes.

Sir Joseph McKenna.

380. That is to say, by the intending purchaser?—I do not know exactly the position of the parties; Lord Lansdowne was not the middleman, but he had some negotiations with regard to the matter before I was in the office.

Chairman.

381. That was in 1869; in 1871 the Commissioners sold to the tenants, as you have already told us, and then you visited the property again some few months ago; will you state to the Committee in what condition you found the new owners?—The tenants were very comfortable. They had been put to considerable strains to raise the money to pay for their farms, but, as they say themselves, they are recovering.

382. But it was with a great effort for a time?—It was a great effort for them for a time, but they are recovering, and some are improving their holdings. I saw two or three new houses, and I saw some drainage upon a small scale, but that is the sort of thing which one might expect from a yeasty tenant where he had any security; the tenants described themselves as very much contented, and better off than they ever were before.

383. Mr. Trench's description, therefore, would not now apply to these lands?—Certainly not. I think the tenants are improving and contented, and some of them may be described as prosperous.

384. Did you see all those tenants who had bought the property when you visited it?—With regard to those which I have set down, I saw the owner or one of his family in each case.

385. In your opinion, the tenants are very much pleased with their new position?—They are very much pleased with it.

386. Now let us go to the next case, namely, the property in the county of Waterford?—This was a property in the county of Waterford, about four miles from Waterford.

387. Do you produce a map of the property?—I do (*producing the same*). The farms in this case were larger than usual. This represents one class of property which the Commissioners have in the south, the farms were much larger, and the tenants stronger than they were in the north. Thirteen cases on that estate were sold as follows: In case No. 1, the price of the farm was 1,235 £, the amount paid down 310 £, the purchase-money being the savings of many years. No. 2, the purchase-money was 818 £, which was all paid down, the money being borrowed partly from friends, and the tenant having a small quantity himself. In case No. 3, the price was 1,312 £, and the sum paid down was 353 £; that

Chairman—continued.

farm was held by the same tenant, and he sold part of No. 2 to pay for this.

388. That tenant had bought the previous farm and paid the whole purchase-money, which enabled him to sell a portion of the land, in order to secure the ownership of the second farm?—Yes, he paid the whole money for No. 2, in order that he might have the power of purchasing No. 3 also.

389. He preferred that to remaining a tenant?—Yes. In case No. 4, the amount of purchase-money was 1,143 £, and the amount of cash paid down was 286 £. I have not the particulars with regard to how that money was raised. In the case of No. 5, 751 £ was the amount of purchase-money; the whole of that was paid down; the brothers of the tenant in America sent 401 £, and the tenant himself had saved 351 £. In cases Nos. 6 and 7 the purchase-money respectively was 150 £ and 1,039 £, and the cash paid down 150 £ and 269 respectively. By consent of the tenants a solicitor in Waterford purchased the properties, and is to give both these tenants leases for 500 years. In cases 8, 9, 10, 11, and 12, the properties were purchased by the same solicitor by consent of the tenants, the terms of letting in future not defined, or at least, they are not made known to me.

390. Then in the case of this property a certain portion was bought by a neighbouring solicitor, with the consent of the tenants, who were unable themselves to buy it?—Yes, they assigned their right of pre-emption. They were dairy-farmers, and it would have been inconvenient for them to have converted their farming stock into capital. The map shows the part bought by the solicitor, and the part leased by him, and the part bought by the tenants.

391. Have you visited that property also in the last two months?—I have.

392. In what condition did you find the tenants who had bought?—I visited that property at the commencement of the year; I found improvements going on, and I found with regard to the man who had paid 75 £ down, that his land was much improved. In place of an inferior fence, such as may be seen around many lots in Ireland, I found him building a good substantial fence, which would cost a good deal of money; and, with regard to the tenant who had purchased for 1,235 £, I found that he had built a large range of offices, at a cost, I suppose, which would not be less than 400 £; he had also collected a great heap of stones, with a view of building a dwelling-house, as he was then living in a thatched house, but he had not yet commenced the dwelling-house.

Sir Walter Barttelot.

393. Will you kindly tell the Committee what those buildings were which were to cost 400 £?—They were a range of sheds for cattle.

394. How many cattle had he?—About twelve or fifteen.

395. Were these sheds merely to house his twelve or fifteen cattle?—To house his cart, his cattle, and his horses too.

396. Do you know how many horses he has?—I do not know how many horses he has.

397. Did you look over the buildings?—I did.

398. Was there stabling for four horses, or  
what?—

Sir Walter Bartlett—continued.

what?—I could not go into those details, but the offices were well built.

399. I am asking the question, because 400 l. is a good deal of money, and one would like to know what he was going to get for this 400 l.?—The tenant did not tell me the buildings were to cost 400 l.

400. It was your own estimate?—These were substantial stone buildings, with English slated roofs, and I put them down at that figure.

Chairman.

401. In those cases did you find the tenants satisfied with the purchases they had made?—The tenants who had purchased were very well satisfied.

402. Now let us go to the next case, that in the county Carrow; have you a map of that property?—I have. (*The Witness Aided in a map, and explained the same to the Committee.*)

403. Will you shortly go through those cases. There are seven tenants who bought in this property, I understand?—Yes, they bought about half the globe in this case. In the first case the price of the farm was 336 l.; the cash paid down to the Commissioners was 81 l., the cost of the deeds was 9 l. 14 s. 6 d.; the money was provided out of a marriage portion received by the tenant. In the second case the price of the farm was 378 l.; the amount of cash paid to the Commissioners was 95 l., and the cost of the deeds was 10 l.; and the money was obtained from the marriage portion of the tenant's son. In the third case the price of the farm was 479 l.; the cash paid down to the Commissioners 190 l., and the cost of the deeds 16 l.; the son of the tenant, a doctor in India, giving the money to his father. In the fourth case the purchase-money of the farm was 252 l.; the amount paid down to the Commissioners 153 l., and the cost of the deed 9 l. 2 s.; the money having been saved off the farm and by dealing in horses. In case No. 5, the sum for the purchase of the farm was 111 l.; the amount paid down to the Commissioners 37 l., and the cost of the deed 6 l. 5 s.; the money being provided by a son of the tenant, in service, who bought it out of his savings. In case No. 6, the purchase-money for the farm was 28 l.; the whole sum being paid down to the Commissioners, and the cost of the deeds was 2 l.; the money having been saved by the tenant's wife out of her earnings. In case No. 7, the price of the farm was 78 l.; the whole amount being paid down to the Commissioners, and the cost of the deeds 3 l. 10 s. 6 d.; the money having been borrowed at 6 per cent.

404. Taking that case where 78 l. was paid for the farm; I think the Commissioners lay down the rule that where the purchase-money is under 100 l. the tenant should pay down the full amount?—No; the rule of the Commissioners is, that where the purchase-money amounts to 50 l. the purchaser should pay down the whole; if it be over 50 l. and under 100 l. be has to pay half down, and in this case if the tenant had paid half the money and borrowed the remainder he would have been at the expense of a mortgage as well; therefore it was cheaper for him to borrow the money at 8 per cent.

405. Have you visited this property during the last six months?—No, I have not visited the property within the last six months, but having known this property for 20 years I am thoroughly  
051.

Chairman—continued.

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acquainted with it. I am in constant communication with some of the tenants upon the property, and I know that they are perfectly satisfied with the purchase.

406. Are those tenants making improvements?—I cannot say that.

407. But they are satisfied with the purchase?—Yes, quite so.

408. Now let us go to the last case, namely, the property in the county Tyrone?—This property was sold in the Landed Estates Court for the Commissioners; 21 tenants purchased on this estate.

409. The total purchase-money, I believe, was 3,491 l.?—Yes; 1,560 l. was paid down, and the total of costs paid by the 21 tenants was 867 l., or very nearly 11 per cent. of the purchase-money.

410. This property being sold through the Landed Estates Court, the costs were very much heavier than in the case of a property sold directly by the Commissioners?—Yes, the costs are very much heavier in such a case.

411. Why was this property sold through the Landed Estates Court?—The Church Act gave the Commissioners power to sell, if they chose, through the Landed Estates Court. When they commenced their sales they sold some of their properties through the Landed Estates Court, partly I think to see how it would work, and partly I think because they thought there would be difficulty in respect of commonages, turbaries, and other questions of that kind, and this was one of the properties early sent to the Landed Estates Court; it is shown upon the map.

412. The land was sold with the right to cut turf upon a common lot, was it not?—Yes, the common was sold to the tenants with the farms.

413. In what part of Tyrone is this land?—That is about four miles from Omagh.

414. In this case I see that nearly all the tenants bought, that is to say, 21 out of 24 of them?—Yes, and I believe the others have bought since, but I have not got the particulars of that purchase.

415. When did you last visit this estate?—I visited this estate last August.

416. When was the property sold?—The property had only very recently been sold; it was sold in 1870.

417. Then it had not been long in their possession; I perceive that from the return which you have given me of this property, the total purchase-money was 3,491 l., and that 1,560 l. was paid in cash to the Commissioners, and that the tenants borrowed from other sources at about 5½ per cent., and the total cost of the deeds was 867 l., making an average of about 10 per cent. upon the purchase-money?—It is nearly 11 per cent.

418. I find that in some of the cases the cost of the deeds amounted to 18, 22, and even as high as 35 per cent. upon the purchase-money paid by the tenants; is that the case?—Yes, the costs of the deeds amounted in one case to between 25 and 26 per cent. upon the purchase-money.

419. You ascertained those facts from the tenants themselves, I presume?—I saw some of their bills.

420. Have you heard great complaint upon their part of the costs of the transaction?—Yes, the tenants in this case were even more dissatis-  
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Mr. O'Brien.

Chairman—continued.

Chairman—continued.

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few than those who bought under other circumstances.

421. Have you calculated what number of years' purchase of the rental the costs amounted to; taking the average of the whole 21 tenants; am I right in saying that it amounted to two years' purchase of the rental?—It amounts to over that.

422. And in those cases where the expenses of the purchase amounted to 18 or 22 per cent. of the purchase-money, it represents nearly four years' purchase, does it not?—It amounted to four or five years' purchase in some cases.

423. Looking through the list of cases with which you have provided me, I see that in three cases the purchase-money beyond the amount lent by the Church Commissioners, is sent from America?—Some of the money was sent from America. In case No. 4, 10*l.* came from the children of the tenant in America; in case No. 10, 20*l.* was sent from friends in America, and in case No. 13, 27*l.* was sent from a son in America. In case No. 14, the tenant's daughter, who was in service in England, purchased for him, and in case No. 20, 21*l.* was the price of the farm, and the whole amount was paid down, the children of the tenant purchasing for him; he told me that it was their savings for 25 years.

424. Do these cases form a fair sample of the way in which tenants purchasing find the money?—They do.

425. That is to say, the money is sometimes sent from America, sometimes it is part of the tenant's own savings, sometimes it has been accumulated for marriage portions for their own children, and sometimes it is provided by children and friends?—That is the case; the tenants very often borrow from friends, and sometimes without paying interest.

426. Sometimes they borrow, I presume, from local attorneys?—Yes, from local attorneys, or from professional money-lenders. I have found the usual rate to be 5 or 6 per cent. I have come across only one case in which 20 per cent. was paid, and that was for a trifling loan, which was to be paid off at any time.

427. You told the Committee what costs the tenants had paid for their title deeds; were those costs only what they had to pay to the Landed Estates Court?—Those were the costs for the deeds alone. If in the case of a sale in the Landed Estates Court it had been necessary to file an objection, or to attend the court for any purpose, it would have been necessary to pay a solicitor for that as well.

428. Can you give the Committee an analysis of the costs paid by one of the tenants; in the case of property sold through the Landed Estates Court, I think there are two sets of costs which they have to pay, one set being the costs of conveyance, and the other set being the costs of the mortgage to the Commissioners?—Yes; one for the conveyance, and the other for the mortgage to the Commissioners. The items paid by one of the tenants were as follows: "I will take first the cost of conveyance; writing acknowledging receipt of purchase-money, 3*s.* 6*d.*; fee on order to lodge, and lodging same, 1*l.*; instructions for conveyance, including draft and copy to lodge, and all duties connected therewith, as enumerated by court schedule, 5*s.*; fee on memorial, and registering same, as per said schedule, 1*l.*;

attending to have conveyance executed by Commissioners under seal, 6*s.* 8*d.*; application to court for credit for balance of purchase-money, 13*s.* 4*d.*; draft requisition not to record, and copy for signature, 4*s.* 4*d.*; writing with same for signature, 3*s.* 6*d.*; signing by solicitor, 3*s.* 4*d.*; attending to file, 6*s.* 8*d.*; paid printer's account, 1*l.* 3*s.*; paid for map, 13*s.* 6*d.*; paid stamp duty on conveyance and memorial, 1*l.* 2*s.* 6*d.*; paid registry fee on memorial, 10*s.* 6*d.*;" making a total of 12*l.* 10*s.* 8*d.*. Then the costs of the mortgage were as follows:—"Instructions for mortgage to secure, 13*s.* 4*d.*; drawing and engraving same, 1*l.* 10*s.*; paid parchment, 3*s.*; attending at stamp office to have duty assessed, 6*s.* 8*d.*; paid stamp duty, 3*s.* 6*d.*; drawing and engraving memorial, 1*l.* 10*s.*; paid stamp duty and parchment, 6*s.* 8*d.*; writing with deed and memorial for execution, 3*s.* 4*d.*; attendance witnessing execution, 6*s.* 8*d.*; fee on registration, 1*l.*; paid registry fees, 8*s.*; postage, 1*s.*; paid Commissioners' fee on affidavit, 1*s.* 6*d.*;" making a total cost of 6*l.* 13*s.* 9*d.*.

429. What was the purchase-money in that case?—The purchase-money was 153*l.*

430. Therefore, in this case, the costs were considerably over 10 per cent.?—The costs were over 12 per cent.

431. I perceive that the costs with respect to the property sold in the Landed Estates Court were nearly double what they were when the property was sold by the Church Commissioners directly?—Yes, the costs were much heavier.

432. Take the sales by the Church Commissioners directly, even there the costs were considered heavy by the purchasers?—Yes, the tenants complained universally that those costs were unexpected by them.

433. Do you think that those costs might have been reduced by the Church Commissioners giving the deed directly, without the intervention of an attorney?—I think that in such cases where the State is concerned the cost might be reduced in many ways. For example, if the deed were given at cost price, prepared by the Commissioners' solicitor, the costs would be very small indeed; it would be also a simpler method to have one deed, that is to say, instead of having a conveyance and a mortgage, to have a conveyance expressing on the face of it that it was subject to such a debt, with the annual instalments marked upon it.

434. You think that, by adopting that course, the costs might be reduced to almost nothing?—By adopting that course the costs might be reduced to a very small amount; and in the case of the Landed Estates Court, if the tenants had been advised to avail themselves of the Record of Title Office, the costs would have been very much smaller, and it would have been greatly to their advantage to have done so.

Mr. Panket.

435. When you say "advised," by whom do you mean?—By their solicitor.

Chairman.

436. What was the course adopted; had the tenants to appear through their solicitor for the title deeds?—The mortgage was drawn by the Commissioners' solicitor, and the conveyance was drawn by the purchasers' solicitor.

437. I thought the purchasers employed their own

*Chairman*—continued.

own solicitor?—The Commissioners in order to reduce the costs to the tenant allowed their solicitor to prepare the deeds on the condition that he did it at a reduced price, and in many cases the tenants avail themselves of that permission, while in other cases they employed their own solicitor; but of course when they employed their own solicitors the scale of costs adopted by the Commissioners' solicitor made it necessary for the purchasers' solicitors to reduce their costs proportionately.

438. That arrangement was done away with, was it not?—That arrangement was done away with when the Commissioners employed another solicitor, as they then refused to permit him to undertake any private business whatever.

439. And since then the tenants have had to employ their own solicitors altogether?—Yes.

*Mr. Parnell*.

440. With reference to the changing of the Commissioners' solicitor, has there not been a considerable reduction of expense to the Commissioners in consequence of that change?—I find that there has not only been a great reduction of expense but a gain to the Commissioners.

441. Therefore, as I understand you, the change as regards the legal part of the Commission, while productive of improvement in other respects, has been attended with the incidental disadvantage of making the transaction somewhat more expensive to the tenants?—Yes, certainly.

442. Have you any suggestion to make as to the means by which that disadvantage can be remedied?—I think that, where the Government or the State is selling to tenants under such circumstances as these, looking to the very complicated state of the law of real property and the difficulties connected with it, they ought to give the tenants their conveyances for a mere nominal sum, and in the case of a Commission, like the Church Temporalities Commission, it might be done at a mere nominal expense. In the case of a sale in the Landed Estates Court of a townland in small lots like this, the conveyances are all alike, and the scale of costs which is laid down by the Landed Estates Court is exceedingly oppressive, and is not drawn up to suit the sale of townland in small lots. In the case of these townlands each conveyance is alike with the exception of the map, the area, and the description of the parcel. The conveyance of the Landed Estates Court is a very complicated instrument, and one unsuited, I think, to the sale of property in small lots. For instance, here is the conveyance of part of a certain townland; it conveys the man's farm and it conveys him his share of a common mountain. That was divided into 31,572 parts. The tenant in this case got  $\frac{1}{31572}$  parts of mountain. The very appearance of such a fraction as that in his deed naturally alarmed the tenant.

443. Is this a Landed Estates Court conveyance, or a Church Commissioners' conveyance?—This is a Landed Estates Court conveyance. He was conveyed "8 acres, 2 rods, 26 perches, or thereabouts, together with  $\frac{1}{31572}$  parts, being the share to which the said James Peterson was entitled as tenant from year to year of and in that townland."

444. Is it your suggestion that the present

*Mr. Parnell*—continued.

solicitor's department of the Church Temporalities Commission should provide cheaper forms of conveyance, and that that would relieve the tenants of some of the expense?—My suggestion is, not with regard to the expense?—My suggestion is, because I fancy the Church Commissioners' sales, because the Commission is about to expire; but if sales of this sort are to go on the deed should be supplied to the purchaser at a nominal charge, and the work should be done by the official solicitor. The greater part of the work is simply filling up a form.

*Chairman*.

445. The greater part of this work is merely formalities, involving no real work, but in many cases involving disadvantages to the tenants; in one of the bills of costs I find, "Instructions for taking conveyance as per schedule, 51"; in your opinion that might be done for almost nothing?—In the case of a country farmer paying 70*l.* or 80*l.* for his holding he gives no instruction, he simply gives leave to the solicitor to prepare his deed. *£.5* for instructions for 21 conveyances on one townland, where the instructions and conveyances are all alike, is most unreasonable, and I think it must press very hardly upon the tenants.

446. I notice an item for registering the memorial of the title; if the title were recorded in the record of the Title Office that expense would be saved, would it not?—Yes, if the title is recorded in the office no fee is charged for recording it, and it is sent direct to the recording officer to record. There is no occasion then to register it, and every transaction connected with it is much more simple and more suitable to the small tenants than under the system of registering.

447. Is your opinion these costs of conveyance and mortgage are wholly unsuitable to the small tenants, and might be reduced almost to a minimum by using a common form to be filled up by the court?—I think so.

448. I think that in some other ways the sales through the Landed Estates Court have not suited the small tenants, but have worked rather hardly upon them; can you give the Commission any illustrations where that has been the case?—The sales to the tenants of the Commissioners' property through the Landed Estates Court do not work well at all. The notices to the tenant in the usual form followed by the Landed Estates Court are very unsuitable; they may contain a description of the property which is intelligible to trained lawyers, but one which is totally unintelligible to a country farmer or to a man who is not trained in the law. The form of notice under which tenants are invited to buy, or which is served upon them when they are going to buy, is not at all plain to the tenants. For instance, the survey maps do not show the farm distinctly. I have here a copy of the consolidated final notice in the case of a sale of the Commissioners' property through the Landed Estates Court (showing the same to the Committee). One of the incidents to many tenants' holdings in the north of Ireland, and a very important one, is the right of cutting turf in the adjoining bog; in one case a sale of the tenants' bog was made in the Landed Estates Court before the tenants were aware of it, and the bog was sold, to their very great injury. In the case of this estate, relating to which I hold the

*Mr. O'Brien*.

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Mr. O'Rourke.

Chairman—continued.

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notice in my hand, the same thing would have occurred; the tenants could not possibly understand, nor do I think that anybody could understand except a surveyor, who had been thoroughly trained to the Landed Estates Court practice, where the holdings began and where they ended. The consequence was that the bog upon which 30 or 40 tenants cut their turf was about to be sold. The Commissioners' attention was drawn to the matter accidentally, and upon their application a sufficient amount of bog was allotted to the tenants, but otherwise it would have been sold as in the previous case, which the tenants considered a very great hardship.

448. And those notices generally involve questions of rights of way and easements, do they not?—The question of rights of way and easements among these very small farms is a most difficult one for a surveyor to settle, and I quite agree with Mr. Macdonnell, who said that they could not be settled in such a way as to prevent mistakes.

449. Very often these questions involve, do they not, the necessity of appearing before the court by an attorney?—When a tenant is served with a notice, he is called upon, if he has any objection to the notice, to file an objection in writing, and it is almost impossible for him to do that, except at a heavy expense; in fact, he has to choose between enduring that which he would like to object to, or else object at very great expense. For instance, in the case of a country farmer, living a distance from town, he would have to go to a solicitor in the town, and the solicitor might have to consult his Dublin agent, and it might end in the solicitor having to go up to the Landed Estates Court to support his objection, and the cost of that would be probably thrown on the tenant. Generally speaking, therefore, the tenants have not objected, but have let the court settle the matter without any objection. In some cases where a tenant has objected, the objection has been attended with very great expense.

451. You say that the tenants have not generally understood the notices of the Landed Estates Court, in these respects?—I do not think they understood them at all, nor is it possible they could understand legal notices framed in such a manner.

452. To turn to another point: I think, in the course of last winter, you visited property near Newry with me?—I did.

453. Was that property about an average sample of the property sold by the Church Commissioners?—The property was an average sample in respect of its being held by very small farmers. The size of the farms was about 10 acres a-piece, and the land was favourably situated, being near a town; that is to say, it was four miles from Newry.

454. The property was sold by the Commissioners about four years ago, was it not?—Yes, it was.

455. And you took me to see that property for the purpose of showing me a specimen of property which had been sold by the Commissioners?—Yes.

456. And you think that fairly represents the average property sold by them?—I do.

457. Of what did that property consist?—It consisted of 250 acres, which had been sold to 21 tenants.

Chairman—continued.

458. What was the name of the property?—The name was Clonallan Glebe.

459. You made notes of the condition of this property with yourself, did you not?—I did.

460. You took them down from the conclusions that we mutually came to at the time?—I took down the answers of the tenants to your questions. I wish to explain a point in my previous answer. When I say this is a fair sample of the Commissioners' property, I should rather say it is a fair sample of the property in that part of Ireland. Now the Commissioners have not much property in Down or Antrim, but this is a fair sample of the property in Down, Antrim, and Armagh. It consists of small farms, occupied exclusively by farmers resident upon them, and in that way it is a very fair sample of the country, but it is a better sample than the property I have referred to in Denagall, Tyrone, and some of the more remote mountainous districts I have mentioned.

Mr. Phibbs.

461. That is to say, it would probably be a more successful transaction for the tenant?—Yes.

Mr. Phibbs.

462. When you say a better sample, do you mean a fairer sample, or a more favourable sample?—I mean that the tenants are in a better condition, and better off than those I have described in some of the remote and mountainous districts, such as Fermanagh and Tyrone. There are many properties on the Commissioners' estates which would compare with those, and are better than those even; but as I have been speaking generally of very poor districts, I do not wish to convey the idea that this was such. This glebe I have referred to in the county Tyrone was an exceedingly poor district, and it was very much to my astonishment that the tenants bought their holdings there.

463. This property near Newry was a very fair example of the property in the district, was it not?—Yes.

464. Was it a Catholic tenantry?—The Clonallan Glebe was occupied by Protestants.

Sir Walter Bartlett.

465. You mean that it was an average sample of farms in that immediate neighbourhood?—Yes.

Mr. Chaine.

466. The farms are small, are they not?—The farms are exceedingly small in that district.

Sir Walter Bartlett.

467. Is it good land?—It is pretty good land, and in fair condition.

Mr. Vernon.

468. How far is it from Newry?—It is about four or five miles from Newry.

Chairman.

469. The whole property consisted of about 450 acres, and the average rent of land was about 24 s. per acre?—Yes.

470. And the tenants purchased at prices varying from about 24 years' purchase of the rental?—Yes.

471. Now



Chairman—continued.

471. Now the first case is a farm of 20 acres, for which the tenant had paid 516*l.*?—Yes; the tenant paid down 516*l.* for this farm. He had spent some years of his life as an engineer in the merchant service; later at Liverpool as a marine store dealer. A few years ago he inherited the tenant's interest of a small farm of eight acres, and subsequently bought the tenant's interest of an adjoining farm of 12 acres, for which he paid 350*l.*, or 30 times the rent. Since his purchase of the fee from the Commissioners he has built a range of superior farm buildings at a cost of 500*l.*, tiled the floor of his house, put in an excellent kitchen-range, and had drained and reclaimed a part of his land.

472. How were you aware that these farm buildings were newly put up?—I was aware that these farm buildings were newly put up because I had visited the place before they were there; some very large farm buildings were put up in place of the old farm steadings.

Mr. Piesol.

473. Have you any idea of how the tenant procured the capital?—He had made money in business as a marine store dealer.

474. Would you not say it was probably an exceptional case that the tenant should be so fortunately circumstanced as that?—Yes; I should think this tenant was an exception.

475. That is to say, in respect of the capital which he had acquired?—I would say that it was unusual, rather than exceptional; for I know many men who have done the same thing, or who have paid 25 or 30 times the cost of the farm for the tenant-right, representing the former tenant's improvements, and have then gone on spending money.

476. You would not say that in the south and west of Ireland this case would be a fair sample of the ordinary agricultural tenant?—I do not say it is a fair sample; I say it is an unusual case, but not a very uncommon one. I knew in the south that it is said the tenant-right does not prevail, and yet the custom of making improvements and selling the farm is as common as it is in the north.

477. I am not asking you upon that point, but I mean that the cases of men having command over a large sum of money for these purposes are exceptional; the honourable Chairman states that in this particular instance the tenant happened to be a man who had been an engineer in the merchant service and a marine storekeeper, in that case one sees at once how he had been able to pay by money; but is that the ordinary case with agricultural tenants in Ireland?—There are a great many of that kind; for instance, I find among the Commissioners' tenants there are a great number of men who have come back from America, or from England or Scotland, with a good deal of money, but I quite admit that the case is unusual, without being exceptional.

Sir Joseph McKenna.

478. It is a favourable example, is it not?—It is a favourable example.

Sir Walter Bartleet.

479. Is any calculation at all made of how many years' rent it would answer for a tenant to expend in putting up farm buildings to make it pay; that is to say, do the tenants see a general 0.51.

Sir Walter Bartleet—continued.

Mr. O'Brien.

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rule know how far it would suit their purposes, and how far they would get a return for the laying out of their money in that way?—My idea is that the buildings which the tenant puts up add nothing whatever to the productive value of the land. They give him a comfortable home instead of his thatched cabin, and when they have got a little money they very often spend their money in building themselves a comfortable home; but generally first in building a steading or byre for their cattle.

480. I was not speaking about the house, I was talking especially of farm buildings?—I say that the usual process is, that the tenants before they build themselves a good house build a byre for their cattle, and I think, perhaps, that does add to the productive value of the farm.

481. I was asking you how many years' rent, if you have ever made the calculation, you would think it advisable to lay out on buildings of that kind, because here we have 500*l.* laid out upon a farm of 20 acres?—I think each man is the best judge of that for himself.

Chairman.

482. In this particular case you told the Committee the tenant put up farm buildings at a cost of 500*l.*, that he tiled the floor of his house, put up a kitchen-range, and drained and reclaimed a portion of his land; did he say he would not have done this but for the security of ownership which he had?—Yes; he said he would not have done this but for the security of ownership, and that he and his neighbours were generally satisfied with their position as owners instead of being tenants from year to year.

483. Did he state that a considerable number of his neighbours who had bought that globe land had had to borrow the balance of the purchase money?—Yes, from inquiries we made we found that a number of them had borrowed some part of the purchase money which they had paid down, and those who had to do so had a hard struggle. He said a neighbouring lawyer lent them money at 5 per cent, which they were paying off by degrees, and they could not lay out money on improvements until these debts were discharged.

484. Now the next case in which we found the new owner at home was that of a farm of 2½ acres?—That was a farm of 2½ acres, rented at 2*l.* 15*s.*, bought for 77*l.*, of which the tenant paid down 39*l.* This he borrowed in small sums from different persons, giving 1*l.* for use of 10*l.* for 10 months; 10*s.* to a sister for 11*l.* for a year, and so on. He has repaid most of it, and will soon be free. He is a labouring man, working at wages for the clergyman, to whom he has let a part of his land for grazing; his wife does washing, and uses the remainder of the land for drying clothes. They are well pleased to have the land for their own, and expect to have it free before they die. His wife said, "It all seems like winning," that is to say, saving, "now; we never could save before."

485. That is the result of a conversation with the tenant?—Yes; those notes were taken down at the time.

486. Now will you give the Committee the third case?—In the third case, the tenant had bought his little farm of 5½ acres for 164*l.* He is 52 years of age, and has nine sons and two daughters. Seven of his sons are at sea, and one

Mr. O'Driscoll.

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Chairman—continued.

of them, sailing out of Newry, gave the money to purchase, and last year gave more to build an additional farm building. He has a neat slated cottage; gate piers, and iron gates to the fields. A son, aged 40, who was for some time in hospital at New York and Dublin, and who is far gone in consumption, told me he had every comfort, and all the care he needed at home.

487. Then the fourth case was the case of a farm of 17 acres?—That farm was rented at 27 l., and was bought by the tenant for 648 l., of which he paid down 228 l.; he had saved this money at sea, and as the tenant said, "Many a salt wave went over his head for it." Since his purchase he paid 87 l. for building materials, and has converted his thatched cottage into a two-storied slated house. He would have rebuilt the house in any case, but would have had no security unless he had purchased, and he is well pleased to be the owner. He lives wholly by his labour on the farm.

488. Then the fifth case was a farm of 10 acres, the price of which was 273 l.—£. 75 in that case was paid down, and was borrowed from friends. The wife says, that her husband is an able seaman in a vessel trading between Liverpool and Rotterdam. They borrowed the money lest they should be turned out of the farm. Four months ago, her eldest son, "a fine quiet boy of 25," died; he used to work on the farm. She now finds it hard to struggle on, her second son being only 13. No improvements have been effected as yet; but they hope to pay off the debt.

489. The sixth case was that of a farm of 9½ acres, sold for 314 l., of which the tenant paid down 79 l.?—The family in that case consists of the mother, a widow, two daughters, and a boy of 15. The eldest daughter, a fine able young woman, full of spirits, says they borrowed 75 l. at 6 per cent. All but 15 l. has now been repaid. She works on the farm, and the family have no means of living except from it. A brother in Liverpool sent a few pounds towards the price.

490. In the seventh case it was a farm of 51 acres, was it not?—It was a farm of 51 acres, bought by the tenant for 1,683 l., which he paid in full. It is now farmed by the son, and the father lives on an adjoining property.

491. What were the circumstances of the eighth case?—In the eighth case the tenant bought the farm of 15 acres for 431 l., of which he paid down 106 l., leaving the remainder on mortgage. The purchaser died, leaving the farm to his son, but in charge of his widow. The son, aged 15, is at sea, and will soon be able to help his mother out of his earnings. The father, a Scotchman, was tenant of a farm of 95 acres in Fermanagh; he sold the tenant right of it for 600 l., and bought this farm. The widow says he preferred being the owner of a small farm to being tenant of a larger farm. Since they came, they have greatly improved the house.

492. And the last case?—That was the case of a farm of 18 acres, bought for 508 l., of which 128 l. was paid down. The purchaser died three years ago, leaving the farm to his widow for life, and then to his youngest son. Other house property was to be sold, 300 l. to go to his eldest son, and the remainder to his second son. The property sold for less than was expected, and only sufficed for the eldest son's portion. The

Chairman—continued.

widow is laying by for the second son, saying, "Please God, when she has done this, she will pay off the debt to the Commissioners." She is well pleased with the purchase of the farm, as it enables them to be independent and to save. She added that those who had to borrow from other quarters have had a hard struggle.

493. Those were all the cases which we were able to visit upon that globe?—Yes.

494. Those were the only tenants who happened to be at home?—Yes.

495. You have, I suppose, visited a considerable number of the properties which have been sold by the Church Commissioners, besides those which you have mentioned?—Yes, I have visited nearly all of them at one time or another, and some of them since the sale. Of course, I am continually in the country, and frequently pass by cases which we have dealt with.

496. Would you say that the cases you have previously referred to, on the whole, lead to a fair conclusion as to the general state of the new purchasers?—Yes, I think that five of the cases which I have mentioned are a very fair sample; three of them were very poor properties, and two of them were of a better class, and illustrate the districts in which they were situated.

497. When you say "of a better class," are they above the general average of the whole of Ireland, or are they fair samples of the small tenantry?—I think they just represent the districts in which they are situated, one is Waterford and one in Down.

498. Taking the district of Down, the holdings are very small, are they not?—In the district of Down, the holdings are very small.

499. Upon the whole, would you say that the new purchasers are satisfied with the purchases which they have effected, and are gradually paying off the money which they have borrowed, and are effecting improvements?—That is my experience, except that I do not mean to say improvements are going on everywhere, for some of the tenants have only just bought.

500. But where they have had time to pay off the balance of the purchase money, are they effecting improvements?—I think that many of them are effecting improvements which are greatly superior to those which are usually effected by yearly tenants; and, if I may read the letter of a tenant to me, it will illustrate what I say.

501. Who is that letter from?—From a tenant who bought his farm in Donegal; he says in his letter to me, what many of them say. The history of this farm was this: the rent was 35 l. 6 s., and the tenant paid 493 l. to his predecessor for the tenant-right, and the price of the farm fixed by the Commissioners was 711 l., or 27½ years' purchase of the rental; he paid 217 l. down; I wrote to ask him where he got his money, and he told me he had made it in America, and I asked him what improvements he and his neighbours were making; he says, in reply "They are all proud to be freeholders. As for improvements, I have made a great deal; I have built a house 40 feet long, and put English slates on, and for draining, and quarrying, and sub-soiling, and making land out of the solid rock, I have laid out as much as would have bought a small farm, whereas if I had been paying rent I would have done very little." That case, like the first one I mentioned

## Chairman—continued.

mentioned on Clonsilla Glebe, is unusual, but not exceptional.

502. Would you say, as a general rule, from what you have seen, that the sale to the tenant has operated well?—That is my opinion. I think it has tended to satisfy them, and has made them much more contented with their position.

503. Has sale to the tenant tended to increase industry?—Yes, very much so.

504. I think you stated in the early part of your evidence that the tenants were everywhere anxious to buy; do you say from your experience of Irish tenants that that anxiety generally arises where the ownership of the property is going to be changed, or would you say that there is generally any anxiety upon the part of the tenants to buy?—I think that in all parts of the country those who have money would be much more anxious to become owners in fee than tenants. Of course the desire is more active when the property is going to be sold, and there is a chance that they may be able to buy, but in every part of the country it is my experience that those who have money would like to invest in purchasing the fee of their farms.

505. Even where they have good landlords?—Where they have got good landlords, and are perfectly content, though they may be satisfied for the present, I think they consider it may happen to them as it did of old, "that a king may arise who knows not Joseph," and many contingencies may arise in the future, because every year they are investing money upon the strength of tenant-right. Now, as a valuer, I think it is impossible to judge when visiting a farm, where improvements had been made, of the previous state of that farm, even with the most liberal instructions, such as are given to valuers by many liberal landlords, that they are to value fairly, it is very hard for a valuer to put such a rent upon a farm as will satisfy the tenant. Of course they think, where they have added very much to the value of the farm, that their improvements are confiscated by a rise of rent, and I think they very often are so.

506. In your experience of Ireland, and from your communications with the tenant farmers, would you say that there is a general desire on the part of tenant farmers to become owners of property, or to have an opportunity of buying their holdings if possible?—Quite so.

507. Not merely on the part of those tenants whose holdings are put up in the Landed Estates Court?—No; but of course the desire is active then.

508. There is a general desire upon their part if facilities could be afforded, to buy their farms?—Yes.

509. Now, I wish to ask you a few questions, as to the residue of the estates which have been sold by the Church Commissioners; what has been the average price obtained for the residue?—The average prices obtained last year were 22½ times the rent; the price being slightly over that at which the farms had been offered to the tenants.

510. It is slightly under the average price obtained for that portion sold to the tenants, but slightly over the price at which the holdings were offered to the tenants; did the residue generally consist of a somewhat inferior property?—In many cases the farms which were left were not

## Chairman—continued.

quite so good; that is to say, the land was as good as the land which was sold, but the tenants were not so solvent. The fact of their not having been able to purchase shows that they were not in as thriving a position as their neighbours who had bought, therefore it is likely that was the poorest part of the property.

511. But it was offered to the tenants at a somewhat less rate than the other property which was sold to the tenants?—The explanation of that is this, that the lands for which the Commissioners asked a higher rate of purchase, say 25 or 30 years' purchase, were in the neighbourhood of towns, and being generally let low, they were sold readily. The lands which were left upon their hands, and which they offered at a low price, say from 15 to 20 years' purchase, were bad properties; the good properties sold very well at high rates, and the bad properties even where offered at a low price, did not sell.

## Mr. Pinfold.

512. When you speak of "residue," what do you mean; do you mean the residue of estates which were not purchased en bloc, or the portions of estates, the rest of which had been purchased by the tenants?—I mean portions; the only residue I mean are cases in which the tenants had received offers, and some had bought.

## Chairman.

513. Leaving residues unsold?—Yes.

## Sir Joseph McKenna.

514. The difference, however, as I make it out from the answer you have given, is less than half a year's purchase; 22½ is the price at which those which were sold to the tenants were purchased?—Those are the figures in the return issued by the Landed Estates Court for sales in Ulster.

515. What I wished to ascertain was this: what those which were thrown upon the Commissioners' hands by the tenants realised?—They realised 22½, and in Ulster, according to that return from the Landed Estates Court, the lands sold to tenants realised 22½.

516. The difference between those two figures being precisely 48, is it not, or less than half a year's purchase?—That appears to be so.

## Chairman.

517. Do you find that to be all the difference?—The difference is only half a year.

518. Therefore, although the price obtained for the residue is somewhat less than that given by the tenant, yet it compares not unfavourably with the price of land sold in Ulster through Landed Estates Court?—The price given by the tenants last year was 22½ years' purchase.

519. Much of this property apparently was of a very undesirable character, and very much dispersed about, and in what is called a honey-combed state?—Yes, it is generally what is considered undesirable from the fact of its being honey-combed.

520. Has the whole residue been sold yet?—No.

## Mr. Heygate.

521. That is a portion of the residue of which you are speaking?—Yes.

522. What

Mr. O'Brien.

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522. What you are now speaking of are the 1,006 holdings spoken of in the last Commissioners' Report?—What I am speaking of is the sales reported up to the end of the year 1876, the figure for which was 2875 years' purchase.

523. Then in the year 1877 the Commissioners have sold an additional quantity, have they not?—They have not sold so well.

Mr. Heggate.

524. But following that one point, you speak first of the number of years' purchase which the land sold to the tenant has produced, and then you speak of the average number of years' purchase produced by the residue; is it not only a portion of the residue which has been sold?—Yes, that is so.

525. And there is a portion of the residue still unsold?—Yes.

526. Is that on each estate?—No. When I speak of a residue being sold, I mean the residue of that estate.

527. You mean the clearing up of that estate?—Yes; but there are some estates which the Commissioners are in process of selling to the tenants, and upon which there would be residues; but the residues I refer to are complete sales of estates.

Chairman.

528. The figure which you have just given, namely, 2875, was the figure for the residues sold up to the end of 1876?—Yes.

529. That property had sold somewhat at an advance upon the price at which it was offered to the tenants?—Yes.

530. Then during the year 1877 a further portion of residue was sold, was it not; what has been the rate of purchase in that case?—The rate of purchase has been over 22 years.

531. The rate of purchase over the past year was not so good as it was during the year 1876, when it was 22½ years' purchase?—That is about the rate.

Mr. Vernon.

532. And were these sales in the province of Ulster only, or were they over the whole of Ireland?—I could not say whether or not they were all over all parts of Ireland, but they might have been all in Ulster.

Mr. Heggate.

533. When you put up the residue for sale, do you put up the entire residue of one estate at the same time for sale?—Yes, the Commissioners advertise the whole residue at the same time, and intimate that they will sell any particular holding.

534. In those cases, if a portion of the residue so put up does not fetch a reasonable price, do the Commissioners buy in?—The Commissioners do not put the property up to auction at all; they simply advertise the property for sale in the newspapers and receive tenders.

535. Does the property go off holding by holding?—No, they generally sell the entire residue of an estate; but they are open to receive a bid for it in either way.

536. They sell it in *glébe* to one person?—Yes, they do.

Chairman.

537. How many actual sales of residues have there been?—I cannot say.

Chairman—continued.

538. Can you give the Committee a rough notion of how many sales of residues there have been?—I could not do that.

Mr. Pickett.

539. In the cases which you speak of, where the residue was sold in a lump, do you find the price depreciates much by the fact of sales being previously effected to tenants who have purchased?—Up to the end of 1876 the experience of the Commissioners was that the price was increased; the price realised was somewhat over what those same lands which had been offered to the tenants fetched.

540. That is not the point. I suppose the fact of having to sell lots scattered over a property, which are, I may say, the refuse or residue after the tenants have picked out such portions as they wish to purchase themselves, tends to depreciate the price given for those residues?—I think the answer to that is, that last year the price given was somewhat over that at which they were offered to the tenants. I know that lots honey-combed are looked upon as undesirable to buy; but, in my opinion, it does not depreciate the property so much as one would think, although it does not look so well upon the map; it is not within a ring fence, it is true, but the rents are equally secure.

Chairman.

541. As a matter of fact, you would have expected *a priori* that the effect of property being dismembered and honey-combed would be to deteriorate the price in the market?—Yes, *a priori* that would be so.

542. Whereas they obtained in the market a price somewhat higher than you valued them at?—Yes; purchasers always object to scattered lots, but they sometimes will give a large price for them.

Mr. Pickett.

543. Does not that show that you made rather favourable offers to the tenants?—I think, in that year, there was a very great difficulty in investing money profitably in other ways, and that the price of land was somewhat raised by that.

544. That is rather an accidental circumstance, is it not?—Quite so.

Mr. Heggate.

545. Were the residues bought by land-jobbers generally?—They were bought by all classes of people; some were bought by some large land-owners and some were bought by shopkeepers.

Chairman.

546. You have given us the price at which residues sold in 1876; in 1877 the price was not so good, but the difference was between 22½ and 2275, that is to say, a quarter of year's purchase, therefore the property sold in 1877 did not fetch on an average quite so high a price as in 1876; how do you account for that reduction?—I cannot account for it, but it is only natural to expect that those properties will not always sell well. One reason why the Commissioners' lands have not realised so high a price as they might have in the sale of residues, is that the sales are as it were forced; the Commission is now about to expire, and if they get an offer for the residue in *glébe*, they sell it, although they would like a higher price, but, I suppose, they do not think themselves

Chairman—continued.

themselves justified in retaining the property in their hands.

Mr. Hoggate.

547. Is not the difficulty in investing money now as great as it was before?—I think that the rate of interest has somewhat increased from what it was in 1874.

Chairman.

548. I understand that in consequence of the Commission drawing to a close, the sales have been somewhat hastened on?—Yes, they have.

549. Consequently, you think that the very slight reduction in the price which they have obtained during the past year may be owing to that?—I think that if the Commissioners could retain the properties in their hands for a series of years they might get better prices.

550. A case has been mentioned to this Committee by Mr. Dobbs, of property belonging to the Vicars Choral of Armagh, as to which it was stated by Mr. Dobbs that after selling a portion of it to the tenants at 25 years' purchase, the residue was sold in 11 lots, and some of it, very little injured by the breaking up, was for 26 years' purchase, and other parts for 24 years' purchase and 22 years' purchase, while seven other lots were sold at 18 years' purchase; can you give any explanation of that case to the Committee?—The Vicars Choral Estate of Armagh was offered at 25 years' purchase to the tenants; and some of them bought their holdings. The property was then put up in small lots, grouping four or five holdings together; the price the Commissioners obtained for them was not 18 years' purchase, as stated by Mr. Dobbs, but 20-76 times the rent. The biddings at the sale were insufficient when these seven lots were put up, and an offer was made to buy the whole seven lots in globe. That was one of the first sales of residues by the Commissioners, and I suppose they considered themselves bound to get rid of the property altogether, getting a bid at that price; but if it had been retained in their hands, I have no doubt that from time to time they would have received offers which would have been fully up to the 25 years' purchase which they asked, and I believe before the sale of it in globe was made public that they received very much higher offers made through the solicitor for different lots of this estate; therefore, if it had been retained and disposed of leisurely, I think that 25 years' purchase would have been realised.

551. That can hardly be taken as an illustration of a failure to obtain a good price?—No, I do not think that is a fair case, but I think the residues will always sell badly when an estate is forced into the market. If an estate goes into the Landed Estates Court, and has to be sold then and there, it is, of course, a chance whether its real value is obtained.

Mr. Ferner.

552. Do you not know that the second offer for these seven lots, or a portion of them, was afterwards withdrawn?—I believe that after the sale as a whole was concluded, much higher offers were made for these seven lots; of course there was no question of withdrawing them; the answer was that the estate had been sold.

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553. May I take it, from the experience you have had as a valuer of land for the Church Commissioners and in the sales of these residues, that you are of opinion that if these sales are carefully managed and the properties not forced upon the market, a very fair price can be obtained for them?—Yes, I think that small lots always will sell well, and that they command a higher price in the market, because a larger class of purchasers is reached, and that is, to some extent, the reason of the high price obtained by the Commissioners for the residues, because they have been cut up in small lots.

554. You think there is a market for small lots of this kind, and that a fair price might be obtained for them in the open market?—I do.

555. Now some remarks have been made to this Committee about properties which have been sold by the Church Commissioners where the holdings had been very much sub-divided; I think a map of the Killybegs Glebe, which was laid before the Committee, shows a sample of that dealing?—That case of the Killybegs Glebe was laid before the Committee by Mr. Dobbs. It was mentioned by him as an example of a property divided into very small farms and in a very wretched condition. That map of the property was inserted by the Commissioners in their Report for 1875, to show the class of property they were dealing with, and the class of property which had somewhat delayed their sales from the difficulty of making valuations of it, and dealing with it. But this Killybegs Glebe is not at all as Mr. Dobbs described it, "a very wretched property;" it is a property very remarkably improved by the tenants. The entire of the glebe was occupied by very small holders who might be almost be described as labourers, perhaps some with one or two cows. I remember that their families worked in England, and a great deal of money was made there with which the farms were bought; that is, those farms which were bought by the tenants. It was mentioned, I think, by Mr. Dobbs as being wretched from the fact that the farms were divided into a number of small lots. Some men had five or six or seven lots, but such an arrangement is not always such an inconvenient one as it would appear on the map. If every tenant had his farm laid out in a square or rectangular block, which would look better on the map, one might have all good land and another might have all bad; but, as the farms are arranged upon this and similar properties, a tenant may have, within a few minutes' walk of his house, plots of land of different qualities suited to his requirements; a bit of meadow and a bit of bog; a plot suitable for flax and a plot suitable for potatoes, and so on; therefore it is not always so inconvenient as it would seem for a farmer to have his farm in five or six or seven different plots. They may all be within a minute or two, or five minutes' walk of his house, and be the most convenient method for him to hold his farm.

556. Then you think the importance of this division of properties may be exaggerated?—I think it is a very much exaggerated statement to say that this was a wretched place; to my mind it was an improving place. Many of these tenants return from England when they are sick or in need of leisure, and they have a home to which they can return. Some even return from America. I have found people living on plots

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like those in the neighbourhood of Killeavy who have been thrown out of work in America by the depression of trade there, and returned and lived with their parents and supported them, and one of these had spent 100 l. in building a house.

537. Have you a map of any case in which the holdings are very much divided in this way?—I have a map of a property which is very similar to Killeavy. It was held in small lots in long strips, some of them a mile long, and by that means each farmer had the class of land which suited him best. In some ways this was a very good disposition for farms under such circumstances, for the farms were small, and the land of a very varying quality on the side of a mountain; a man might have his good land at the bottom, and his rough grazing at the top.

538. I presume in a case of that kind the difficulty of what is called striping the property would be very great, and perhaps very unjust to the tenants?—I think in such cases the tenants would generally be the best judges of their own interests, and I do not see any objection to selling properties which are so held to tenants as they stand; in fact it would be a great hardship to make what would appear a much more regular disposition upon the map, because it might not be at all so convenient in reality.

539. In your opinion, if such properties were sold to tenants, they might afterwards sell as between themselves?—They do so. I have remarked that where they have been free to sell part of their small farms, which they are not always free to do, there is a great tendency to arrange them in the most convenient manner.

540. Therefore it is not necessary to take too much account of this difficulty of the sub-division of the lots?—I do not think so. I think that lots of this sort are just as suitable for sale, and that the small farmers are most desirable members of society to encourage. It makes them orderly, and it gives men labouring in England or America a home to come back to. I do not see any reason for not selling to these people as well as to larger farmers.

541. Comparing farmers of different classes, that is to say, taking those who hold farms of from 4 to 10 acres, and comparing them with the holders of farms of from 10 to 40 acres, do you find that the small farmers appreciate ownership quite as much as the larger ones do?—Quite as much.

542. And you think there is quite as much benefit to society in facilitating the sale to small owners in the one case as the other?—Yes; I think that the sale of these small plots is the only way in which the housing of the labouring classes can be secured; it would of course never pay a landowner to spend money in building houses for a number of labouring tenants like these; and as a matter of experience it is found that those men if they have an interest in their farms and security, will spend money, and though that may not be directly a reproductive expenditure, yet it adds to their comfort, and they will save to procure it.

543. You regard these holders of very small properties as being of rather the agricultural labourer class?—Yes, and I think that as much facility should be given to them to purchase as to *bona fide* farmers.

544. And you think that quite as much benefit

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is likely to arise to the community from their purchasing their own holdings as from the larger class doing so?—I should think perhaps even a greater benefit, because the question of housing the labourers in Ireland is really a very serious question.

Mr. Plunket.

545. Have you formed any opinion as to whether the properties sold, partly or wholly to tenants, have fetched better prices than when sold not to tenants at all, but to the public? I refer to sales generally, not only under the Church Commissioners or in the Landed Estates Court?—I think that the prices obtained from tenants in sales under the Bright Clauses have been very far in excess of those obtained at general sales.

546. Does this answer include the price fetched for estates which have been sold partly to tenants, and the residue disposed of to the public?—I do not know of any such cases having occurred; in fact I have not looked sufficiently minutely into the sales of the Landed Estates Court to be able to answer you upon that point.

547. I suppose you have no doubt from your own point of view, that if the estates sold in the Landed Estates Court could be sold under the same conditions as the Church Commissioners sell to the tenants, they would fetch a higher price than they would fetch under the present process in the Landed Estates Court; that is to say, if they were sold to the tenants as contrasted with sales to the public in the Landed Estates Court?—I presume your question assumes that they are sold with a loan of part of the money.

548. Yes, I assume that?—I think it would be so.

549. You heard Mr. Vernon's evidence, did you not?—I did.

550. Do you agree on the whole with his views and his proposals?—Yes; I do not think that any measure for establishing what is called a peasant proprietary in Ireland could have any very large effect, unless those who were to carry it into effect had the entire control of the land; partly for the reason that the residues, though they are not always depreciated, yet do not sell as well. One reason of that is that an estate, when it is put into the Landed Estates Court, has to be sold, or else the expense of adjournment is very great. The estate is appointed to be sold for the benefit of the creditors, or otherwise, and must be disposed of immediately; whereas, if you could adopt Mr. Vernon's suggestion, it might be retained until purchasers turned up, and there would not be in that way that loss upon the residues which is generally anticipated.

551. Will you explain to the Committee what generally happens, in the case of sales by the Church Commission, when their tenants have purchased part of their property, and there is the residue unsold; what kind of delay is there, or what steps do you take to sell the residue?—When an estate has been offered by the Commissioners, and offered a second time to the tenants, they then advertise the residue in all the newspapers in Ireland, mentioning the gross rental of any particular globe which is to be sold; they furnish rentals, giving very little information;

Mr. Plunket—continued.

formation; merely a list of the rents, and the names of the lands. These are sent to anybody who applies in answer to the advertisement, and they are sent in a bid to the Commissioners for the whole, if they prefer taking it, or for any particular lot.

572. Can you give any general idea of the kind of interval which elapses between the sale of the tenants of such lots as they purchase, and the sale of the residues, in those cases?—I could not do so, because there is no such general interval. At first there were properties sold to the tenants, and the residues after these sales were not put in the market till within the last year or two; whereas the residues of what they are offering now to the tenants they put in the market at once, in order to hurry on their sales.

573. As I gather from your evidence, sales of residues have not lately been quite so good as they were at first?—They have not been quite so good as they were last year.

574. You attribute that to the enforced sales of the residues, do you not?—I attribute it to some extent to the fact that the lots are being thrown on the market hurriedly, and that they have to be disposed of at once, as the Commission is expiring.

575. Now suppose Mr. Vernon's suggestion were adopted, and the machinery of the existing Church Commissioners, or some similar machinery, were made use of for the purpose of offering those properties coming into the Landed Estates Court, after the final offer for sale had been made to the tenant, I understand the process to be something of this kind: I will assume that you are retained as valuer for the office which has to do the work, or for the Commissioners; you would make inquiries of the tenants, and induce them to offer such a fair sum, as a kind of experimental bidding, that the Commissioners would be able to make an offer to the persons having the carriage of the sale; that would be the process, would it not?—That was suggested by Mr. Vernon.

576. And that would agree with your view of the way in which it should be carried out, would it not?—No; I do not think that if a Commission were appointed, as Mr. Vernon suggested, to sell lands to the tenants, it would be possible for any one to ascertain beforehand what a tenant would give; but I have no doubt that, on the whole, if they acquired all the property which comes into the market at such prices as have been realised during the last five or six years, at what I may call the fair market price, they would dispose of those lands to the tenants without any loss whatever.

577. That was not Mr. Vernon's suggestion at all, as I understand it?—I did not say I agreed wholly with Mr. Vernon.

578. But you have had practical experience of the point on which his suggestion principally turned; what he suggested, as I understood, was this: that the Commissioners, whom he proposed to appoint or continue, should ascertain beforehand, in the case of properties which came into the Landed Estates Court, just as they do now in the case of properties which are sold under the Church Commissioners, what would be a fair offer for the tenants to make, in order that the Commissioners should put themselves into communication with the persons having the carriage of the sale of the estate in 0.51.

Mr. Plunket—continued.

the Landed Estates Court, and make them an offer?—I do not see any difficulty in ascertaining the probable value of an estate before making an offer. What Mr. Vernon proposed should be done under such a Commission as he suggested, is not what is done by the Church Commissioners' Commission. What they do now is to send down a valuer, whose business is to say what is the value of each farm. Mr. Vernon suggested that they should send down their agent or valuer to ascertain from each tenant what he would give, and from that base their proposal. In the one case the man has to form his opinion on his own judgment, whereas upon Mr. Vernon's plan his opinion would be based upon the promises of a number of tenants with whom the agent had no previous acquaintance, and therefore the two operations are totally distinct.

579. Do you not agree with Mr. Vernon in his proposals?—I agree with the general tenor of Mr. Vernon's proposal, inasmuch as I say I do not think unless the lands are placed in the entire control of one body that they can be sold in a manner to suit the tenants. But I do not think that in all the details which Mr. Vernon mentioned I do agree with him.

580. Will you explain why you disapprove of his suggestion that the Commission which he contemplated to establish by his proposal should make the same inquiries, through a competent valuer, as are now so well made by yourself, for the purpose of the Church Commissioners?—I do not see any objection to a Commission, if it be appointed as he suggested, ascertaining the value of the property beforehand by sending a competent officer to report upon it.

581. That was what I was asking you at first; would not Mr. Vernon's process be this: as soon as there was an absolute order for sale in the Landed Estates Court, and that was advertised, the Commissioners whom it was proposed to appoint would then take similar steps to those which are now taken by the Church Commissioners for that purpose, to ascertain what kind of price tenants would be likely to give?—I see no difficulty in such a process being adopted; in fact, it would be necessary to do so, in order to dispose of the lands.

582. Do you believe that in any case, supposing you were the officer employed by this Commission for the purpose, you could obtain offers from the tenants such as would justify the Commissioners in making an offer on their part to the persons having the carriage of the sale in the Landed Estates Court?—Not on the condition that the tenants were to be bound to adhere to their offers. I think that it would be quite possible to ascertain the value of the property, and the probable chance of disposing of it to the tenants, but I do not think it would be possible to ascertain whether the tenants would infallibly adhere to their proposals.

583. But you are aware that in a certain number of cases the tenants do at present, under the imperfect machinery (as it is suggested to be) of the Landed Estates Court, bind themselves to carry out the offers which are afterwards embodied, in fact, in the upset price?—I do not know how the upset price is arrived at; it has been already explained, but I am perfectly aware that in the Landed Estates Court a tenant may make an offer and afterwards decline to complete the offer, while on the other hand,

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hand, there are also cases in which a tenant may make an offer, and be afterwards induced to exceed the offer he had made; that shows me that any offer which a tenant might be induced to make before a sale, could not be absolutely relied upon as to what should be done with each particular property, because one tenant would say he would not give such a price, and others would desire to buy and they might not be able; misfortunes might befall them which would prevent them from completing. The process in the Landed Estates Court is very tedious, and no doubt in the course of a year the circumstances of a tenant might change, but still I have no doubt it would be possible to ascertain roughly the price at which the property would sell to the public or to tenants.

584. Supposing you were authorised by this new machinery to go down, very much as you do at present in the case of the Church lands, and call together the tenants upon the property and explain to them fully what the meaning of the term "owners in fee simple" is, and what facilities they would have for borrowing the money, and all the other instructions which, as you have described to us, you now give to the tenants; do not you think you could, by explaining all those points, bring them to make a much more definite offer of the price which they would undertake to give, than is now done by the process under the Landed Estates Court?—I do; I think that in that case, in addition to the information which the Landed Estates Court now acquire by indirect means, they would acquire a good deal more information.

585. Do not you think also that the tenants would be much more willing and anxious to come forward, to make their arrangements to become purchasers of their lots, if the whole matter were personally and fully explained to them in the way in which it has been described to us that you do in the case of Church lands?—I think they would.

586. I am not putting this matter personally, as relating to yourself, but to any officers who might be engaged in the valuation business; I am merely trying to get at what the practical effect of the thing would be; do you think that the valuation officer would be able to carry out Mr. Vernon's suggestion by visiting all the estates which have to be dealt with by the Landed Estates Court in the same way as you visit estates under the Church Temporalities Commission?—I have not gone into the figures, but I do not anticipate that all the properties which come into the Landed Estates Court would be dealt with in this manner; there might be a final order for sale made, and it might not be proposed to deal with the estate in the way of selling it to the tenants. I suppose only a limited quantity of the land now in the market would come within the operation of such a Commission as is proposed by Mr. Vernon, therefore I could not undertake to say what staff would be sufficient for that purpose, if that is the answer to the question.

587. Would it require a much more expensive staff than there is in the office of the Landed Estates Court at present for the purpose of carrying out Mr. Vernon's suggestion?—I do not think I could give an estimate of the expense of carrying out Mr. Vernon's proposition without

Mr. Phinck—continued.

more consideration than I have yet been able to give to it; it appears to me to be a very practical proposition, and capable of being carried out.

588. Let me put it in this way: do you think a greater amount of property in a year passing through the Landed Estates Court could be dealt with in this way than that which passes through the Church Commissioners' Court?—I could not give any opinion upon that point.

589. I suppose there would be no more difficulty in your reporting the results of your valuation to the Examiner of the Landed Estates Court than there would be in your reporting the result of your interviews with the tenants to the Examiner whom it might be proposed to appoint?—I do not know enough of the machinery of the Landed Estates Court to say what might be the difficulties; but I see no difficulty whatever in a valuer going down and giving his report to any body to whom he might be desired to give it; the question of carrying it out is a very different thing.

590. But so far as increased facilities for informing the tenants are concerned, and inducing them to become bidders for their lots, that might as well be done by the officers appointed by the Landed Estates Court, as by officers appointed under the new Commission, might it not?—I do not think so, because the Examiner of the Landed Estates Court would not be the owner; the report would be given to a man who would not be the owner, whereas in the case of the Commission suggested by Mr. Vernon, the report would be given to the parties who were the owners, and were absolutely prepared to deal with the properties as they thought fit, and, therefore, acting upon that view, it would seem to me to be more expeditiously done by such a commission as Mr. Vernon proposed, than by the Examiner of the Landed Estates Court.

591. That is not quite the point I was putting, that is acting upon information obtained; I ask what greater difficulty would there be in a competent valuer inducing the tenants to make a bid by informing them fully of all the circumstances under which they might bid, and also bringing the state of affairs, as regards the possibility of the sale of the estate, to the occupying tenants, to the knowledge of the officers in the Landed Estates Court, than the difficulty there would be in making the same report to the Commission suggested by Mr. Vernon?—I do not see any more difficulty in the one case than in the other; the difficulty of selling to the tenants does not arise there.

592. But do not you think there would be such machinery in the Landed Estates Court as would greatly facilitate the sale to the tenants?—I suppose that if they appointed an officer to communicate directly with the tenants, and made it his business to promote these sales, something more might be done, but the difficulty which Mr. Vernon wished to meet was, that of there being two, or I might say three, different bodies being engaged; but as regards the first part of your question, I think the valuer might report to anybody.

593. Would he not be as likely to get an offer from the tenants in that way, as in the case of the Commissioner?—I cannot say, because in our case, so far as our experience goes, the tenants were never invited to make an offer for their holdings; the Commissioners fixed the value upon the valuer's report.



Mr. Phinck—continued.

594. Now with reference to the cheapening of the legal expenses to the tenant purchasers, I would like you to state shortly what practical suggestion you would make upon this point?—I do not know whether I am competent to make a suggestion, not being a lawyer, upon a purely legal matter; but as one of the outsiders who perhaps find a difficulty which everyone is aware of, I would say that the whole law of real property, and the transfer of land, is so difficult and complicated a subject that it is a great obstruction to any such scheme as that which is being considered. There was an Act passed to meet it, the Record of Titles Act, and that has not been made use of for various reasons which have been given, but even that, though it would be far better than the present system, would not be nearly so useful to the small owners in fee, when it is proposed to create, as local registries or local record of title offices in connection with the principal one. At present, under the Record of Title Act, any owner who puts his estate upon the record, has a title which is perfectly intelligible and requires no expensive investigation. He can transfer his estate, or any part of it, for a mere nominal sum compared with the prices which are now paid, and such as have been paid in the cases I have mentioned, merely for the deeds alone, where there was no investigation of title. Therefore I would suggest that the principle which was laid down in the Record of Title Act should be extended and applied to the sales under consideration.

595. But I was rather taking up a suggestion conveyed in some of your previous answers that there should be a short and common form of conveyance, applicable to all these conveyances, which might be given to the officers of the court for this present purpose?—I think the present Landed Estates Court conveyance given to the tenant might be very much simplified. The questions of the rights of way, which are gone into at great length, might be avoided; they only complicate matters and might be advantageously omitted. Then there are other points in which the conveyance might be simplified; for instance, this particular conveyance conveys the estate to the man, subject to his own tenancy. Now, as a matter of common sense, it appears to me they might have conveyed to him so many acres of land alone.

596. You have nothing to add in the direction of that suggestion?—No; I think I said that one deed in such cases might suffice.

597. Now with regard to those cases which you explained to the Committee as examples; you say that you think the first four were fair average examples of successful enterprises of this kind, where a tenant became the purchaser in fee of his holding; I suppose there were some cases in which the experiment was not so successful which you do not know of?—There have been one or two estates in which no tenants bought; and, therefore, I could not bring them forward as instances; those cases I have given as illustrations were cases in which part was bought by the tenants. Three of the estates I mentioned are poor as regards the condition of the tenants, and they represent a fair sample of the globe property in the north-west of Ireland.

598. Do you know of any cases in which there has been a failure on the part of a tenant to pay the interest upon his advances?—I do not think so.

Mr. Phinck—continued.

that there have been any cases of failure; the Commissioners say there are scarcely any cases in arrears. Of 3,000 or 4,000 people who are now paying instalments on the purchase money, at the date of the Commissioners' Report, about 40 only were in arrears, and as it is the common practice in Ireland for tenants to be considerably in arrears with their rent, I think that looks very well; the collector with whom I have had some conversation, tells me that he has no fear whatever about the collection of these instalments.

599. No doubt you have had some opportunity of observing the sale of very many estates, besides those which you have given the Committee as examples; have you observed in any of those cases the condition of the tenantry to be worse than it was before they bought?—No, I have not; but I do not think a deterioration would be so readily remarked as an improvement.

600. There is just one more question I wish to ask you on this point: you say it is very difficult for a valuer, even when he gets instructions for making liberal valuations, to make such a valuation as is satisfactory to the tenant; how do you mean that it is very difficult?—I mean that where a tenant, as it frequently happens, converts land which is barren, or almost barren, into good arable land, no valuer visiting that land could conceive the state of badness in which it was previously, and therefore it is unlikely he could make a proper allowance for the improvements made by the tenants, and in such cases where a tenant has reclaimed a barren moor or mountain side at great expense, he cannot but feel that his improvements are appropriated by the landlord.

601. How could you form an opinion in those cases, that there had been such a state of affairs before?—It is difficult to speak on any particular case, but I have seen in many parts of Ireland, and I constantly do see land, in process of such reclamation; I see it before, and I see it afterwards; but if I went as a stranger, seeing it only in its improved condition, without knowing the history of it, it would be very difficult for me to make a proper allowance to the tenant for his expenditure upon it.

602. Surely you would make inquiries about it before you made out your valuation?—Yes, certainly I should.

603. Why should not you ascertain the expenditure in those cases just as much as in the cases where you have seen the change taking place?—Because I do not think, although you had been informed that that land had been reclaimed, you could be a proper judge to what extent it had been reclaimed, that is to say, whether it had been entirely barren before, or partially barren, and so on; I refer to this as an instance of one difficulty in the land question; and as one reason why the tenants are anxious to buy in order that they may be secure in the possession of such improvements as they have effected.

604. But I suppose you do not intend to apply to the whole country the sweeping assertion that it is impossible for a valuator to ascertain what is a fair allowance to make for the tenant's improvements?—I do not know exactly what you mean by "a sweeping assertion," but it is a very difficult thing to do; and the case which has been recently before the public, of the Mitchelstown estate, may be given as an illustration of that. The tenants upon those mountain lands had effected

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28 February  
1871.

Mr. O'Brien.

23 February  
1873.

Mr. Plunket—continued.

effected some reclamation on land which land valuers had considered to be entirely barren, and then a rent was put upon them. In that case I think it was made public that the difficulty of allowing the tenant the fair value of his improvement was very great.

605. I do not wish to go into that question, because it is rather a burning one, and does not come exactly within the limits of this inquiry; but what I want to know is this: your assertion appeared at first to be rather a startling one, that a liberal landlord, desirous of doing what is fair to his tenant, cannot ascertain by means of the assistance of a competent valuer, what proportion of the improvements upon the property is due to the tenant?—I think that what you have stated just constitutes the land question. Tenants improve from time to time, and the difficulty of settling what share of that improvement the tenant should enjoy, and what increase of rent the landlord is entitled to, is one great difficulty which exists under the present system.

606. Of course there must be a certain difficulty about that, but do you mean to say that a fair valuer, with instructions to make a liberal valuation, cannot arrive at a fair result in such cases?—Each valuer may satisfy himself that his valuation is fair, but the result is, that satisfaction is not attained; and, from my experience, I say it is a most difficult thing to arrive at. Without having seen the improvements in process, and without knowing what is going on upon an estate, I do not think a valuer alone can be a

Mr. Plunket—continued.

fair judge in such cases; a valuer can only go upon what he sees before him, while the history of the case is a matter for the landlord to consider.

Chairman.

607. By "the valuer" in this case, you are supposing a man who goes, without previous knowledge of the history of the holding?—Yes.

Mr. Verser.

608. Are you not aware that most professional men acting in that capacity form their estimate upon a very liberal scale towards the tenants. Messrs. Brassington and Gale, for instance, when they value a farm, go upon the principle of making a liberal allowance towards the tenants, do they not?—That is the difficulty; you make a liberal allowance, but you cannot ascertain exactly the expenditure, and there arises the difficulty of settling this question, and Messrs. Brassington and Gale are fully aware of that.

Mr. Plunket.

609. Which is it that you despair of arriving at, the fair value of the tenants' improvement, or satisfying the tenant by the result you arrive at?—I do not think the tenants in Ireland are more difficult to satisfy than any other class of the community, but there exists in this question of improvement and fair rent all the materials for a quarrel, and we see it every week in Ireland in the agitations, and the tendency to fresh agitations which are going on.

Monday, 4th March 1878.

MEMBERS PRESENT.

Mr. Shaw Lefevre.  
Sir Walter Barttelot.  
Mr. Chalmers.  
Viscount Clifton.  
Mr. Heggate.  
Sir John Leslie.

Sir Joseph McKenna.  
Major Nolan.  
Mr. Plunket.  
Mr. Plunkett.  
Colonel Taylor.  
Mr. Vernon.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. MURROUGH O'BRIEN, called in; and further Examined.

Mr. Heggate.

610. UPON the last occasion you told the Committee that about 2,000 holdings belonging to the Church Commissioners remained to be sold yet, is that the case?—I do not know that I gave the exact figure, for I do not know the exact amount; it varies from day to day.

611. Question No. 526 is: "Leaving between 2,000 and 3,000 undisposed of," to which your reply is: "Yes, but the Commissioners are selling to the public and the tenants every day." Can you tell the Committee how many holdings have been sold in each year?—I have not a statement of those figures.

612. You estimated roughly that there were 800 cases in which the right of pre-emption was assigned by the tenant to the landlord or some person outside; there is nothing to bring that before your notice, is there, excepting where any tenant expresses a desire that the conveyance should be made out to his assignee?—The way in which that can be ascertained is by inquiring whether the conveyance was made to the tenant or to somebody else.

613. Is it not possible that the conveyance may be made in the first instance to the tenant, and completed to him, and, the transaction being then made complete, he may afterwards have assigned without knowledge of the fact on your part?—It is quite possible, but in that case I should consider that a sale to the tenant. I have known that occurring in some cases, I may say in many cases, but in some of those cases where it has come under my notice the tenant has not sold to the landlord or the owner of the land, but to another occupier, a person who was going to stand in his shoes; there have been a good many cases of that kind.

614. There are a good many cases then beyond the 800 which you roughly estimated, in which the tenant who has had the right of pre-emption has not remained the owner?—My estimate of 800 is only an approximate estimate, derived from the information which is in the office, which has been obtained by Mr. Godley. From my inquiries in the country there are many properties in which I have known the tenants to have assigned their right to other people. There are 0.51.

Mr. Heggate—continued.

also many cases in which I have known the tenants to have sold the farm which they had bought to other occupiers who went to occupy the farm.

615. Are those cases over and above the 800 which you have estimated?—No.

616. Do you mean that your estimate of 800 is to cover every possible transfer from the tenant who had the right of pre-emption?—Not every possible transfer, because I can only form an approximate idea of the number, but I have increased the estimate which Mr. Godley made, because cases have come under my notice, from my journeys in the country and visiting those properties, of which he could have no knowledge.

617. My question is, may there not have been many cases beyond those which came to your knowledge in which the tenant sold after having nominally bought from you?—There may have been, but if they were cases which did not come under my notice I can have no knowledge of them.

Chairman.

618. I think Mr. Godley gave the number of such cases at 600, getting his information from the documents in the office?—Yes, he did.

619. You have added 800 by a rough estimate from facts which have come to your knowledge outside the office?—Yes.

Mr. Heggate.

620. In the four test cases which you gave the Committee the other day from the four counties, you gave the Committee the dates at which the tenants purchased in two of the cases; in the case of Kilkenny, I think the date was 1871 and 1872?—Yes.

621. And, in the case of Tyrone, 1876. I do not find the date in the case of the estates sold in Waterford or in Carra; have you those dates?—I can give them to you.

622. Will you give the Committee the date of the sale in the County Waterford first?—Some of the holdings on the Waterford property were sold in 1876; I find six cases in that year; there were some sold earlier, but I do not know the name of the estate; a part of that property, of which

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Mr. Heggate—continued.

which I produced a map, was comprised in two townlands belonging part to one estate and part to another. There were some sales early in the year 1877, but most of them, I think, were in 1876.

623. Will you now give the Committee the date of the sale in the County Cavan?—The date of the sale in County Cavan was in 1873, but one sale was in 1876.

624. You mean that the majority of the cases were in 1873?—All the cases in the Cavan estate were in 1873; one sale only was made in 1876.

625. Then, as far as Waterford and Tyreene are concerned, those purchases were so recently made that there was hardly time, was there, to give a chance for any difficulty to arise?—I do not know what you mean by a difficulty.

626. I think the value of this evidence to a great extent depends upon the amount of time which has elapsed since the purchase by the tenant. In the case of Kilkenny it is an earlier date, 1871-73, they have had the property there five years; but, in the other case, the property seems to have only been in their possession for a year or so?—With one or two exceptions of sales, which were made at the commencement, the date of the sales in Waterford was 1876, but I should state that in the case of one holding which I mentioned, where 400*l.* or 500*l.* had been spent in building a new house, that was one of the earlier sales.

627. What proportion of your sales was made at so early a date as 1871 and 1872?—I could not give you an estimate of that.

628. When did you commence to sell; it was only in 1871, was it?—I joined the Commission in 1871.

629. I did not mean yourself personally; but when did your Commission have the power of sale, the Act was passed in 1869, was it not?—I do not know whether the date is mentioned in the Act, but I should say they had the power of sale at once.

630. You began to sell in 1871, I believe?—The Church Act was passed in 1869, and I should imagine that some of the sales were made in 1870.

631. But, as a fact, cannot you remember whether or not the larger proportion of the sales have been made under your Commission, in recent years, as compared with former years?—I should say (not from recollection, but from my general impression) that the largest quantity of sales was made in the years 1875 and 1876.

632. When you went to visit these properties the other day to examine their condition, and to see the tenants, did you give them any notice that you were going to be there?—No.

633. In what capacity did you approach them; did you state who you were, or did you come as an ordinary visitor?—On all but one property the tenants knew me; I had visited the properties before, and some of the properties twice. With regard to the one which I had not visited, I told those tenants whom I conversed with that my object was to see how they were getting on.

634. How are the instalments paid; to whom, or through whom?—The instalments are paid through the Bank of Ireland to the Church Commissioners.

635. Are they paid in by the tenant himself?—Yes, they are paid by the tenant himself.

Mr. Heggate—continued.

636. Without any notice or summons?—The tenant gets a receivable order, fixing the date, after which the money cannot be received by the bank; if the money is not paid on or before that date he cannot lodge it without getting an extension of time, and a new order.

637. These tenants did not look upon you as coming to inquire as to their solvency or otherwise, did they?—Not in the least.

638. They never see any officer belonging to the Commissioners, do they, that is to say, as representing the Commissioners, after they have made the purchase?—No officer of the Commission is likely to visit them, except—

639. Except in cases of default?—I do not think there have been any cases of default, but, except when other business takes me, or some one employed in the same capacity, to the country, so that we may pass by those lands, no one visits them; in fact, that is how I observed these cases which I have mentioned.

640. You stated that you found these men very contented with their position and tolerably prosperous, and that they had made great efforts to pay the instalments; should you say that they have had sufficient time yet to be tried severely?—I think they have had sufficient time to thoroughly appreciate their position, and understand what prospect they would have of paying their instalments in future; and it must be remembered that where they have paid a considerable sum down to commence with, the instalments now payable are somewhat less in many cases than their former rents.

641. But it is not in the payment of the first, or second, or third instalment generally, is it, that a man fails?—The annual instalments which they now pay, being lighter than the rent they have paid the last 20 or 30 years, they can of course very well judge whether they are likely to be able to pay them in future or not.

642. You have shown that many of those small tenants have been supported and assisted in their payments by sons abroad and at sea, and so forth; what do you suppose will happen when those men themselves, the original purchasers, die?—I think the original purchasers in many cases do not look forward to deriving any benefit themselves during their lifetime; but have bought these properties for the purpose of leaving them as freeholds to their children; the instalments which they are now paying will last in many cases over the lifetime of the people who have bought.

643. Take a tenant of five acres who has five sons, what is it his intention to do with the property when he dies?—The intention of those tenants with whom I am best acquainted is, to leave the farm to one son or another.

644. To make an eldest son, as it were?—It does not follow that a man will leave his farm to his eldest son, because many of these eldest sons are better off than the tenant himself. Being acquainted with Ireland, you will know that those sons go out to all parts of the world, and engage in various undertakings.

645. But in the ordinary case of landlord and tenant, in the event of a tenant with a large family dying, does not the selection of the son who is to succeed him generally rest with the landlord?—As far as I am acquainted with the management of land, I think landlords generally comply with the will of the tenant in such cases;

but

Mr. Heggate—continued.

but it frequently happens that the eldest son of the tenant has gone to America, and the youngest son, or the man's daughter, has been working the farm, and he leaves it by will to his son or his daughter; it is generally the practice that the landlord will comply with the will of the tenant in that respect.

646. He is supported in his wish by the will of the landlord?—Of course a yearly tenant is at perfect liberty to leave his yearly tenancy to whosoever he likes.

647. With regard to a small freeholder of five acres dying and leaving five sons, you suppose that he will, before he dies, make a will selecting one of them as his heir?—I think such a case as you put of a small farmer, with five acres, having five sons at home, is very unusual; in some of those cases which I visited I may say that there were no young men at all left upon the property. In many cases there was only one, the others go out; they do not all look to get a living off the farm, but go out to get their livelihood in other ways.

648. In fact, your suggestion is that the farmer would have made a selection of the son who is to follow him in his lifetime, and have kept him at home?—That is very commonly done.

649. What is there to avoid a subdivision in the case of a small freeholder dying intestate?—That is a matter of law upon which I am not competent to answer you; but as to my opinion, I do not think there is any danger of subdivision to be apprehended, and, as a matter of practice, I think if ever those farms were subdivided there would be no great injury done by its occurring.

650. You do not think it would be an injury even to have such a small freehold as five acres subdivided among a considerable family?—I do not think it is at all likely that such a farm as five acres would be subdivided; I fancy that farmers in Ireland are just as unlikely as anywhere else to subdivide their farms in a manner which would be injurious to their property; they are quite aware of the disadvantages of a farm being left amongst a whole family of children; they generally make wills, even when they have nothing to leave but a yearly tenancy, and they would be much more likely to make wills when they have freeholds to leave.

651. Do not you think that it would lead to dissatisfaction when a farmer left the freehold to one son and left the others nothing?—It is not found to be so now, when a father leaves to one son or daughter his yearly tenancy.

652. But in that case he has the landlord's support; the landlord has the land to let, and is in a position to consult the reasonable wishes of the tenant, and to take as successor the person whom he selects?—In many cases, in my experience, the landlord does not interfere at all; a man leaves his farm to whom he likes, and he charges his tenancy with portions for his other children, and no inconvenience is found to arise from that custom in the north of Ireland, where the practice is very common.

653. At all events, there must be many cases of intestacy, must there not, and if you were to have numerous small proprietors would not great inconvenience arise in that way?—I do not think I could give you an answer to a question like that, as to whether there would or would not be many cases of intestacy.

0.51.

Mr. Heggate—continued.

634. Do you think that however small a tenant might be he would have made his will?—I do; I think, from my knowledge of the small farmers in Ireland, that they really do take measures before they die to secure the transmission of their property in such a manner as would not be injurious to their property.

655. There has not been time yet, in any of those cases, to test this question?—Cases have come under my notice of tenants having died, and having previously made wills.

656. Have any cases come under your notice of subdivision of properties; perhaps they would not come under your notice, as I presume it is not a part of the duty of the Commissioners to inquire into such cases?—They have only come under my notice incidentally.

Major Nolan.

657. With regard to the question of subdivision, is it possible, until all the instalments are paid, legally to subdivide a farm under the Church Temporalities Act?—I should imagine not.

658. I wish to know this: do not the Church Commissioners now hold one single man responsible until all the instalments are paid, and is it not impossible to subdivide until all the instalments are paid?—That is so.

659. So that at any rate we are safe from the evil effects of subdivision upon a large scale for the next 30 years, or even for a longer period, are we not?—Quite so, but I should say that a great many tenants have paid down the purchase-money in full, and therefore have a perfect control over the land, and in those cases, hitherto, it has not been found that any injurious subdivision occurs.

660. Do you think that men who pay the full purchase money down are likely to subdivide their holdings, if they are so small as five acres?—I do not think they are.

661. Do you think there is as much tendency in Ireland to subdivide as there was, say 30 years ago?—I think that the subdivision which took place 20 or 30 years ago, of which I have no knowledge except from reading, arose from this, that the tenants subdivided and misused land which was not their own, they had little or no interest in it, and they did not care how they misused it; now, when tenants invest in land, and more especially when they have a permanent interest in it such as these men have acquired, I think that they are much more likely (contrasting my experience with what I have read of in the past) to use it judiciously and wisely, and to make their possession of the greatest advantage to themselves and the country.

662. Do not you think that there are also other causes at work to prevent subdivision, is not there a much higher standard of living than there was 30 years ago?—Yes, there is.

663. And would not that tend to prevent minute subdivision?—Quite so; moreover, the young men of the families go to other countries; it is a thing which has been said to me over and over again, when I have visited farms in Ireland, that the whole family cannot expect to live upon the land, they all go away; the daughters go to America, and the sons go to America, or to England, and all over the world.

664. So that really we have three distinct causes to render subdivision less likely than it was

30 years

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Mr.  
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20 years ago. First, that the tenant will be the owner of the land, and have a permanent interest in it; secondly, the higher standard of living; and thirdly, that the young people are more in the habit of going to Australia and America, and elsewhere; you think, do you not, that each of those causes would tend to check subdivision?—I think that they do tend now to check it.

665. Now, I wish to ask you a few questions with reference to the evidence which you gave on the former occasion of your examination. I think you stated that you visited the lands of the tenants twice, and then explained to the tenants the terms upon which they were allowed to buy their holdings on those lands which were put up for sale?—Yes, I think I stated that many of the lands I visited twice, and some of them I had visited several times.

666. And you found that the interest which it was proposed they should acquire in the land was unfamiliar to a great number of them, and that a great number of them did not know what the term "fee simple" meant, or what it represented?—That was the case.

667. And that they did not understand the difference between the two modes of purchasing, namely, subject to a simple mortgage or to an instalment mortgage?—Of course all the terms connected with real property were unfamiliar to them; they had not had much to do with them before.

668. In addition to that, you stated that the Commission sent out a memorandum with each demand for rent, explaining to the tenants the nature of the property they would acquire in the land; do I correctly represent your meaning?—The object of the memorandum was rather to inform the tenants that the land would be offered to them for sale, because it was found that the tenants were not expecting to receive those offers; it was not so much to explain to them the nature of the interest as to warn them to be ready to buy.

669. You stated that the Commission sent a memorandum with each demand for rent, so that the tenants got several memoranda, did they not; they repeatedly got this notice?—I think the Commission confined the sending out of this memorandum to one year.

670. Altogether you say that the Commission took great trouble, either through you or through this notice which they sent to the tenants, to make the tenants acquainted with the terms upon which they could acquire the land?—The Commission adopted almost every method they could to give the tenants as little trouble as possible in carrying out the purchase of their farms.

671. And they also gave great facilities for acquiring information, did they not?—Certainly; the Commissioners answered all the letters that came, besides issuing these memoranda and forms of instruction.

672. I was including, under the head of the Commission, your own action, as you are an officer of the Commission; and you say that you called the tenants together, "I invited the tenants to ask me questions," you say?—That was my general practice when I visited them.

673. Did you find that the most efficient way of explaining to the tenants the nature of the interest they were to acquire in the land?—I could not say that my conversation was of more use than the forms or memoranda which were sent out by the

Major Nolan—continued.

Commission, but my conversation prepared for and supplemented the offers which they received.

674. Did you find that the tenants were more prepared to receive the offers than they were before?—I found that they understood the matter better than they did before.

675. Is anything of that sort done by the Landed Estates Court where a property is to be sold; do they send any officer to explain to the tenants verbally the nature of the interest they are to acquire, to enable them to answer all the questions, and to call them together, and give them this explanation?—No, the practice of the Landed Estates Court, I fancy, is, that when an estate is to be sold to the tenants, the solicitor having the carriage of the sale negotiates the sale with them. In the case of an estate coming into the market for sale under the Landed Estates Court, it is not likely or usual that it would be put up in lots to suit the tenants; it is not found to be the best means of disposing of the property.

676. Do tenants under the Landed Estates Court get the advantage of having any one well acquainted with the terms to come and explain verbally to them the terms under which they can acquire the property?—The tenants who buy in the Landed Estates Court have opportunities in another way of acquiring that information; notices of survey are served upon them, and during the survey there are many persons conversant with the sale of land upon the property for a week or ten days before the notices are served upon them; therefore they have the opportunities of understanding fully that the estate is for sale; but they have not the opportunity of knowing whether they may bid for it, or not, until the last moment, when the final consolidated notice is issued. In that consolidated notice is incorporated now a clause inviting the tenant to bid, and to attend at the settlement of the rental.

677. At Question 451 I find you were asked: "You say that the tenants have not generally understood the notices of the Landed Estates Court in these respects?" and your answer is: "I do not think they understand them at all, nor is it possible they could understand legal notices framed in such a manner." Will you explain what you meant by that?—The Landed Estates Court notices are complicated legal documents, and I may say that the tenants do not understand them. The tenants are invited by them to attend at the court on the settlement of the rental, or to put in offers for purchase, but there is no facility given to them to reply by means of filling up forms, such as the Commissioners give them; they might go to a great deal of expense in attending in Dublin, and making up their minds to bid for their farms, and might find in the end that it was not open to them to buy them. I think that no tenant would make an attempt to bid for his holding in the first instance if it was not furthered by the solicitor having the carriage of the sale; and that is one thing which induces me to say that the sale to the tenant is only furthered in the Landed Estates Court when a very high price is offered by the tenant.

678. In answer to Question 584 you say that if some one were authorised to go and explain to the tenants the meaning of ownership in fee simple, and what facilities they would have for borrowing the money, the tenants might be induced

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duced to make a more definite offer than they will now do under the process adopted by the Landed Estates Court?—If it were decided to put the land up in lots suitable for them, then I think it would be most advisable for some one to attend on the part of the Landed Estates Court, and give them the best possible information; but I did not mean to convey the impression that simply sending down an officer now would make it at all easier for the tenant to buy, because it would not.

679. There are other difficulties, are there not?—There are other difficulties.

680. But the difficulty of acquiring information is one difficulty, is it not?—It is one of the difficulties, because the tenants now have to deal with several different bodies; for example, the Landed Estates Court, the Board of Works, the solicitor having the carriage of the sale, and perhaps the owner.

681. If the State is anxious to facilitate the establishment of a large number of small proprietors in Ireland, it ought to take steps to give verbal information to the tenant as well as written information. I am always assuming that it is anxious to give information?—I am not at all prepared to say that it could not be quite sufficiently done by means of written information and forms which might be so drawn up as to give them all the information they require.

682. But you would give them a larger amount of information than they are given at present, if you were really anxious that they should buy their holdings?—Certainly.

683. Turning to the question of costs, I find that you estimate the cost of purchasing a farm under the present system sometimes at 11 per cent., and sometimes going up to 25 or 30 per cent.; and you say further that the tenants are much dissatisfied with those costs?—Very much so; it is felt to be a very great hardship by the tenants to be saddled with such onerous costs.

684. In answer to Question 428, you detailed the costs to which the tenants are put, and you gave a sample case in which the tenant had to pay, I think, for both a mortgage and a conveyance. Personally, I do not know much about the detail of the costs, but I would like you to tell me which, if any, of these items could be suppressed if the State were anxious to facilitate the acquisition of property by the tenants. I will go through them: "Writing acknowledging receipt of purchase money; fee on order to lodge and lodging same;" do you think the State might dispense with that?—I think that if a system were sought which would be suitable to the sale of property in small parcels to tenants, a totally different procedure should be adopted, and therefore that many of these items should be dispensed with which could not be omitted as long as the present procedure is followed. I will mention one or two of the principal items which might be omitted. For instance, "5*l.* for instructions;" that is an item which is authorised by the Court to be charged; it appears to me to be entirely unnecessary and an excessive remuneration for a solicitor for receiving instructions in such cases as these. In the townland of which I have given the particulars, 21 purchasers bought, and they each paid 5*l.* for instructions alone; in that case the full information was set out upon the rental, including rights of way and all particulars contained.

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acted with each holding, and, therefore, every information and instruction was set out upon the rental at the expense of the vendors; their expense, with regard to that matter, was about 130*l.*, and that information having been set out at the expense of the seller, I do not see any excuse for charging the buyer 5*l.* for instructions. Then, with regard to the requisition not to record, and copy for signature, signing by solicitor and attending to file, all these items I think might be much better omitted, and the Record of Title Act applied to these small sales with a view to which it was passed.

685. You stated that the purchase price of this sample farm was 133*l.*, and I notice that the costs appear to amount to 19*l.* 4*s.* 6*d.* Now, supposing the State were very anxious to reduce the cost in order to establish small proprietors, to what sum, in your opinion, could that 19*l.* 4*s.* 6*d.* be reduced without imposing any loss upon the State?—I imagine that if the State were the seller of this farm, with perfect control over the proceedings, they might do the whole thing for a couple of pounds at the outside.

686. Then you could reduce the present cost upon the sample estate from 19*l.* to 2*l.*?—That is to say, if the State, being the seller, employed their own solicitor to do this, and tendered the deeds to the buyer free of cost, including them in the purchase-money.

687. Do you think that the large reduction from 19*l.* to 2*l.* in the cost of buying a property would be a considerable advantage to a number of purchasers?—I do. I know in this particular case which I have specified, the tenants raised the money, which they paid for their costs at very great expense; in fact, the amount of money borrowed by the tenants, which was occupied by very poor tenants, was very little in excess of what was paid for costs.

688. Would you say, also, that there was a moral difference between money paid for the property, and money paid for costs; do not they look at one class of money as invested, and the other as more or less wasted?—I think when they have paid such a large sum as this, they look upon it as an illustration of what they have some reason to think is the case, namely, that the law is made for rich people and not for poor people.

689. In fact, that in the question of real property the law has not sufficiently considered men of small property and small means?—Certainly; in this case the tenants understood that the Landed Estates Court, representing to them the State, was engaged in the matter, and they thought the solicitor would not be allowed to charge more than was right, but finding that this large amount was allowed to be charged, it seemed to them that the law and the State were against them, and that it was only a device for extracting money out of their pockets.

690. In fact, if they could more easily invest their savings in property, is it your opinion that they would be fonder of property, and would invest more of their money in property?—No doubt if they could do it with ease, there would be an immense quantity of land which would be sold in small parcels with or without assistance from the State.

691. With regard to questions of rights of way and easements, I think you stated that rather too much detail was gone into by the Landed Estates

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Estate Court, and too much investigation was made, and that the Landed Estates Court might take less trouble about it?—I think that they go for too much into detail on that head, and that a purchaser under such circumstances might be given his conveyance simply describing the land, with a map, of course, but without detailing, as is done now, the rights of way, or asking the conveyance, as is done in this case, subject to his own tenancy; it appears to me there is no meaning in that.

692. As an alternative plan, would you allow any Government department selling small holdings an arbitrary power of settling what should be the rights of way, without paying any regard to the past history of the estate in respect of rights of way?—I think it would be undesirable to do that.

693. Would you prefer the rights of way to be left alone and not inquired into?—No; as Mr. Macdonell explained in his evidence, in the case of the sale of property in small parcels to occupiers, the rights of way do not previously exist; it is merely the custom of going from one farm to another, and, therefore, in the case of these sales in the Landed Estates Court, rights of way are created, although they did not exist before.

694. I believe the law is that one tenant has no right of way against another upon the same property?—Quite so; but I think, in order to make the costs of dealing with real property as small as possible, if the State are encouraging the formation of these small properties, they should guard their interests by adopting the principle laid down in the Record of Titles Act; and if such a body were appointed as Mr. Vernon suggested, they should, until the law was altered, keep a record of title themselves.

695. I gather from the way in which you answered Question 658, that in the difficult question of striping, you would prefer to leave the tenants alone as a general rule, that is to say, that you would prefer not to remodel the system of holdings?—I think there is a great tendency amongst the tenant farmers to arrange their farms in the most convenient manner for themselves, and that it does not at all follow that it is inconvenient for them to hold their farms in different plots detached from each other.

696. There is another difficulty on which I should like to ask you a question, and that is the matter of residues; I think the gist of your evidence is that these residues are not sold at any very great loss if sufficient time is given to dispose of them; that is to say, if they are not forced upon the market?—I think the residues would not be sold at any great loss if sufficient time were given. The main reason why residues do not sell well now, is that when a property is placed upon the market, it must be sold at once, or further expense will be incurred.

697. Then you think that if the State were anxious to establish small proprietors in the country, it would not lose much by the sale of residues?—I think if the State were anxious to establish small proprietors, and undertook to do it in a large and wholesale way, there would be little or no residue; if they lent money as they now do at 3½ per cent to tenants to buy, and increased the amount lent, which I think they might do with perfect security.

698. So that, as I understand, you do not

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attach much importance to this question of residues in dealing with the land question if the matter is properly dealt with?—Not if a large and comprehensive scheme were undertaken.

699. You say, in answer to Question 583, that the number of tenants in arrears is very small, only about 40 out of 3,000 or 4,000; do you consider that if the State advanced even a larger proportion of money by way of loan than they at present do in the Landed Estates Court, the money of the State would be practically secure?—I think if the proportion which the State is dealing with were acquired at the market price, that is at such rates as we find in the returns of the Landed Estates Court, that (generally speaking, of course there are exceptions) the whole of the purchase-money of the fee might be lent with safety to the State; at the same time I may say that I do not think it would be wise to lend the whole, although I think the whole would be secure; but I think it would be a very proper thing to do to lend four-fifths of the amount.

700. You think that four-fifths of the amount could be lent with safety?—Yes, I do.

701. When you say you think four-fifths could be lent with safety, you have the security not only of the acquired property of the tenant, but you have also the tenant right in the land, the custom of the country?—The custom of the country and the tenant's own improvements. The price of the tenant right was stated by a witness from the county Londonderry to be from 17 to 25 years' purchase in his county. I noted all the cases of tenant right sales that came under my notice of church property, and they amounted to 19 years' purchase of the rent upon the average.

702. So that if the State advanced four-fifths of the purchase price of the property, they would only be advancing practically half of the value of the property they were advancing on, the security for which would be made up of three elements, namely, tenant right, the tenant's improvements, and the actual acquired property?—Yes, the security would consist of those three elements.

703. So that if the State advanced four-fifths of the money, they would be only advancing half of the real value of the property, and they would have excellent security for their loan?—They would have excellent security as a general rule; but of course there are exceptions to the case of the tenant right being good security; however, in the cases which have come under my notice of tenants selling, since they purchased, to other occupiers they have always obtained a very large increase on the price they paid the Commissioners, which would show that the tenant right was not extinguished by their having bought the fee.

704. If you wish to extend this system of establishing small proprietors beyond the number of properties which passed through the Landed Estates Court, you have certain difficulties to encounter. Now, what would be the present difficulties in the way of extending this system to a large number of the existing proprietors; is the cost of transferring properties the great obstacle; that is to say, if a large proprietor wants to sell a small piece of his property, say 10 acres, to a tenant, does he find much difficulty in doing so, arising from the present system of charging costs?

—He



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—He would have to make a separate title to the holding, the expense of which would be very great, and it would take a long time; and if the owner wished to sell through the Landed Estates Court, by the time he had made the title to the estate the tenant might have changed his mind.

705. In fact, it would be very difficult for a large proprietor to sell a small piece of land to a tenant as a commercial transaction?—As a commercial transaction, I should say it is impossible. I have known many proprietors who have desired to sell a small portion of land, but the state of the law has entirely prevented them.

706. Can you propose any remedy for that state of affairs at present?—That is a subject on which any new suggestion could hardly be made, because it has been examined into and reported upon by various Commissions and eminent lawyers from time to time, and I do not think I could add anything to the suggestions which have been made. Probably, even if I did, my suggestions would not be worth much in comparison to the suggestions which have been made.

707. If such pieces of property could be sold quickly and cheaply in Ireland, in your opinion would many more people acquire small properties than do so at present?—I have no doubt that if there had always been a system of easy and cheap transfer there would be a number of small proprietors, and proprietors who were occupiers in Ireland; I believe the want of that has been one of the chief causes of the large estates remaining as they are.

708. Do you think there are a considerable number of large proprietors willing to sell if they could do so cheaply and easily, and also a considerable number of tenants anxious to buy if they could do so cheaply and easily?—I think there are. I can say, with regard to the tenants, that there are a large number of them very anxious to purchase, but, as they are now situated in Ireland, I do not think they can purchase very largely without assistance from the State.

709. You mean pecuniary assistance, not merely legislative assistance?—I refer to pecuniary assistance.

710. You are of opinion that the general effect of establishing small proprietors in Ireland would be very good?—I think that the conversion of occupiers into owners would be exceedingly conducive to the establishment of order and contentment.

711. And that it would also lead to the peasantry being much better housed?—I think it would lead to a general improvement of the country to a very great extent, and for this reason, people are always more willing to spend money on what is their own than to spend money on what is another man's. Under the present system a tenant who wishes to lay out money is secured to some extent by the Land Act, but there are many tenants who would like to build better houses than might be considered suitable to their farms. Now if they make an improvement which is unsuitable to the holding, I believe in the case of a change or dispute with their landlord, their property in that improvement would not be recognised. On many small plots, which are now merely agricultural holdings, men save money, and they would then build a better house; and the same thing would occur, and does occur, in my experience on farms, that tenants who receive money or save money build a house of a better

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character than might perhaps be considered suitable for a small farmer.

712. I gather, therefore, that you think that indirectly the difficulty which has prevailed in Ireland of transferring property, has prevented the building of good houses to a considerable extent?—I think I should rather say that the fact of the tenants having only a yearly tenure, was the reason why the Irish are the worst housed nation in civilised Europe. Of course where the farms are very small, some of them being hardly worthy of being called farms, but rather agricultural labourers' holdings, on those it would never pay the owner as landlord to build houses suitable for the occupants.

713. You think, at any rate, that if a large number of people acquired property and land they would build themselves better houses, after they had paid off the instalments, or while they were paying them off?—Of course people will spend money more freely upon their own than upon what is other people's.

714. Looking at difficulties which have been suggested in the way of this scheme, I gather that you do not think that any of them are insurmountable; they are chiefly the want of information, the question of encumbrances, the question of stripping, and the question of residues; and you think all these could be easily removed by some action of the Legislature, none of them being insurmountable difficulties?—Certainly; if there were a scheme undertaken such as was suggested by Mr. Vernon, I do not think these difficulties would prevent its being carried out; they are mere trifles when the absolute control of the matter is in the hands of one person.

715. Do you think any such scheme could be initiated without a loss to the State?—I do not think there need be any loss at all; while, on the other hand, I think, there would be great gain to the State, in so far as content and order were secured, in place of the discontent and disorder which now exist in Ireland.

## Sir John Lubbock.

716. Mr. Vernon gave it as his opinion, in the course of his evidence, that, where the State lends money, as it proposes to do, to facilitate the purchase of these holdings, there ought to be a limit as to the size of the property bought: do you share that opinion?—No, I do not.

717. Would your reason for disagreeing with him be, the analogy between a sale of church property and a sale in the Landed Estates Court?—No, I do not think the procedure in either court has anything to do with the answer I gave you; it is merely my opinion that there is no objection to small plots being sold as freehold any more than large plots; in fact, I think that there would be more small farmers desirous of being freeholders than large farmers, because a large farmer has a trade, he has his capital to trade with, and it does not always suit him to invest it in land; whereas, as far as my experience of small holders goes, they are more anxious to become freeholders.

718. My object was to ascertain how small that holding could be consistently with being an advantage either to the buyer of it or to the country generally after it was bought?—I think it would be an advantage to the country if it were ever so small, because a labouring man is thereby induced to invest upon it the savings of his

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time and labour, he puts them into what is the best bank for him; and where it is open for a labourer to do it, either upon the security of the tenant right, or as being a small freeholder, as some of these are, I think that he does build himself a better class of house.

718. Take a farm of five acres, for instance. Supposing the holder of that becomes the owner of it, is there any likelihood that on so small a scale he could farm and produce what the land would be capable of producing, supposing he had more capital and more available opportunity of endeavouring to bring it to a higher state of cultivation?—I think so. The capital chiefly required for working a small farm, say of five acres or less, which could hardly be called a farm, is the tenant's labour. I can see no objection to encouraging the making of small freeholders like that, or smaller. The tenant need not necessarily be a labourer; he may be a tradesman, as many such small farmers are; and it is his pride to spend the savings of his time and labour in making his house more comfortable, and in setting out gardens and orchards, as many farmers do now upon the security of their tenant right.

719. Would you advance four-fifths of the money to the purchaser of a plot of five acres?—I said that generally I thought the State might advance four-fifths with perfect security. With regard to any particular holding, I could not answer the question, because the security differs. It would also depend upon the number of years' purchase which the tenant was giving; I could not, therefore, answer your question with regard to any particular holding.

721. But you say that four-fifths may be advanced with perfect security?—I say, generally speaking, but of course there will be exceptions to that. Where the Church Commissioners were at liberty to advance three-fourths, in some cases I think they might have advanced much more, but in some cases I have advised them to advance only one-half, that is to say, in cases where the property consisted of perishable house property. In some cases where a man held an acre of land he might build a large house upon it, and that being a perishable thing, would not be such good security as land.

722. I may take it that you have advised that four-fifths of the money should be advanced, and that no limit should be necessary as to size of the holding bought?—Certainly; I would have no limit, not only for the reasons I have stated, but because it would be an unwise thing, I think, to say there shall be no freeholds except large ones; if a man chose to pay down all the money for five acres, and acquire complete control over it, it would be a very impolitic thing to say, you shall not divide this property. Improvements of many kinds might be advanced by so dividing, and the person concerned would be the best judge of that. My impression is, that farmers in Ireland would not, and do not, subdivide now to any injurious extent, when they have an interest in their land.

Chairman.

723. Did I understand that you had actually advised that the four-fifths of the purchase-money should be advanced, or that you were prepared to advise that it might be advanced?—I would suggest that four-fifths of the purchase-money might be advanced generally with safety.

Sir John Leslie.

724. You would not go the length of saying that you advise it, but that it might be done with security?—If any such scheme as has been proposed to the Committee were put in operation, I should think it well that power were given to the State to advance the four-fifths.

Chairman.

725. But you would not advise a hard-and-fast line to be laid down to advance four-fifths in all cases?—Certainly not, because there might be circumstances which would make it undesirable to advance even three-fourths of the purchase money.

Sir John Leslie.

726. In the case of the sales of church property, are they classified, so as to show the smallest-size properties which have been sold?—No, there is no such classification, but I can tell you, with regard to the different sizes of properties sold, that the Commissioners have sold plots varying from a few perches up to 1,500 acres, and that the greater number of the holdings are very small. They have had townlands which have come into their control, where the average rent over the whole was not more than 5 l. or 6 l.; 10 l. was a common rent, but the average rent of all was 18 l.

Mr. Ferner.

727. With regard to the property which was sold belonging to the Vicars Choral of Armagh, did I rightly understand you that it was sold at 20 8, or did you say at 20 7 6 years' purchase, as given by the shorthand writer?—That property was sold for 20 8 years' purchase.

728. Are you not aware that the Commissioners themselves fixed the price which was given for that property?—I think the price put upon that property, when offering it to the tenants, was 25 years' purchase.

729. It was put up for auction in Armagh, and not sold, and then the Commissioners fixed a price upon it?—The sale of that property, as I understand, occurred in this way; it was offered to the tenants at 25 years' purchase; some of them did not buy and the remainder was grouped in small lots and put up for sale. The biddings at the auction being insufficient, a private offer was then accepted for the seven lots of, I believe, 12,040 l.

730. You are not aware that the private offer was not accepted, but that they named the price?—I am not aware.

731. You are not aware that the property was very much honeycombed by purchases, and was full of rights of way?—I am aware of the fact that the property is, taking it all in all, cut up; but each lot was not very much honeycombed; the lots were arranged of such a size as it was thought would suit purchasers.

732. You do not know that in parts it was very much detached one lot from another?—The property was very much detached; but I cannot say that each lot consisted of detached plots. The seven lots were, perhaps, all distinct.

733. Are you aware that that return, which was issued the other day, upon the motion of Mr. Heygate, is incorrect in its statement with regard to the matter, that there is one lot which is mis-described, and consequently the full rental of the property is also?—I am not aware of that.

734. Now

Mr. Farnes—continued.

734. Now I very greatly agree with you, with regard to the expenses of sales through the Landed Estates Court; but do not you think the principle you laid down as to diminution of the legal and other expenses is one which might be more generally applied?—I think if the principle were generally applied, all the landowners in Ireland would benefit by it.

735. But I mean applied to other questions besides the purchase of land; why should it be particularly applied to those who desire land?—I should say that all other species of property are cheaply and easily transferred; the things to compare it with are not the costs in a lawsuit, but the transfer price of stocks and shares, and things of that kind, which are transferable with very little expense, and what is more, with very great expedition. It is in contrasting it with that class of property that I say land is very heavily weighted, and would be very much increased in value if it were more easily transferable.

736. I did not understand you to say, "comparing it with the transfer of other kinds of property;" but I understood that you object to the whole of the proceedings in the case as being so expensive?—The expenses I have objected to were entirely the cost of the transfer. Of course the investigation of title is a very complicated and expensive process too; but I do not know that a lawsuit about an estate which is worth, say 100,000*l.*, need be more expensive than a lawsuit about 100,000*l.* worth of stock.

737. I understood you to mean that the law expenses were too heavy for the class of people who had to go to the law courts?—My answers were entirely with regard to the expenses of the transfer of land, which though they are called "law expenses," do not necessarily involve that there should be a lawsuit.

738. You mean that a tenant, buying a farm, should get it very much more cheaply than a man merely going to the courts to get simple justice?—That is a question which I have not considered. I think that justice should be made cheap too.

739. When you say you do not think many tenants will buy farms now, without assistance from the State, what do you think of tenants giving very large sums for tenant-right?—I presume your question means, do I think that the fact of their giving very large sums for tenant-right conflicts with what I have said.

740. Yes, that is my point?—The number of farms which come into the tenant-right market is somewhat limited; it is only a farm here and a farm there, whereas such a scheme as has been mentioned before this Committee proposes to deal with whole estates and to transfer them to the tenants. Now, my acquaintance with land in Ireland would lead me to think that you may find on an estate that perhaps nine-tenths of the tenants can pay their rent and make a little saving from year to year, but that only the other tenth would be able to compete for a farm the tenant-right of which was in the market. Every tenant in Ireland has not got the money wherewith to pay large prices for tenant-right, but there are men scattered all through the country who have, and many of the sales of tenant-right are made to people in towns, small shopkeepers, and so on; therefore I do not think the two things conflict at all.

741. In some cases the tenants will give a very

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large sum for tenant-right, that is to say, a great many years' purchase, without any assistance from the State; and yet, if that tenant wanted to purchase his farm, you would think he might safely be lent by the State three-fourths or four-fifths of the purchase-money; how do you reconcile those two things?—The principle of lending money has been sanctioned by the State, and, therefore, I am not proposing it as a new thing; but, in order to carry out such a plan as has been proposed, I think it would be necessary to lend money. Money has been already lent for the purpose, and money is also lent to landowners to improve their land. Now, the creation of peasant proprietors would be an indirect way of improving land; therefore it appears to me a perfectly statesmanlike thing to lend money, or, as all events, it is a matter for which there are precedents, so that I am not proposing it as a new thing. I am merely speaking with regard to the security that would exist for the money lent.

742. Do not you think that the tenants, being able to give these large sums for tenant-right, may not be in want of assistance from the State?—If they were not in want it would not be necessary to lend it to them; they need not borrow unless they like, but just in the same way the landowners in Ireland have borrowed money which it has been thought advisable to allot, to a large amount, for the improvement of the land.

743. In your experience have you not found the tenants quite ready to borrow?—In some of the sales made by the Church Commissioners, a good number of the purchases have been paid for in cash; those who do not require it do not borrow the money.

744. But you find that there are a large number who do borrow the money?—Yes; we find that a large number do borrow the money; some do and some do not; I could not give you the relative numbers.

745. You stated, in answer to the honourable and gallant Member for the county of Galway, with regard to year-to-year tenancies, that the tenantry in Ireland were on that account the worst housed population of any in civilized Europe, and, as I gathered, were deterred by the nature of their holding from making any improvements. In connection with what you said to him, I wish to ask you, did you not know that a noble lord owning large properties in the counties of Wicklow and Wexford, asserted in the House of Lords, during the debate on the Land Bill in 1870, that his tenants holding from year to year did much more justice to their farms than those holding leases?—I am not aware of that, but I can quite imagine it is true. Where a tenant holds by lease there is a time fixed at which his tenure shall determine, and I think it is very unlikely that, under those circumstances, he would improve largely, whereas with regard to the tenants from year to year in the north of Ireland, they hold with an understanding that they shall be allowed to hold for ever, as I may say, without any unfair increase of rent.

746. But I refer to the counties of Wicklow and Wexford, and not to the north of Ireland?—It is my experience that the practice of tenants improving, and the sale of the tenant's interest, are common in every part of Ireland; therefore the same principle would apply both in Wicklow

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and Wexford as in the north of Ireland, though the term "tenant right" is confined rather to Ulster; but there are cases analogous to it all through the country.

747. You do not think that that assertion rather clashes with your opinion that it is owing to the tenancy from year to year, that no improvement is done to the farm?—When I say a tenancy from year to year, I mean a terminable tenancy. I think that in many parts of Ireland a leasehold tenancy is less conducive to improvement than tenancy from year to year.

Sir Joseph McKenna.

748. I wish to call your attention to the evidence which has been given in the matter of cost in a number of cases. I understand you to have suggested that the transfer of several lots on an identical title ought to permit the cost of each to be very much reduced?—My answer referred to a particular case in which all the particulars having been set out upon the rental, I thought there was no occasion to charge each tenant with the item of 5 l. for instructions.

749. Will you refer to Mr. Vernon's evidence at page 20. I wish to call your attention to Questions 165 and 166; they are at the top of page 20. Mr. Vernon is asked, "But then in what way would you utilise the church surplus in carrying out your plan?" To which he replied, "Simply borrow it from whoever holds it now, and apply it to pay for the purchase made by my Commission. My Commission, I presume, must go into the market; it must go into the market with ready money; therefore, it must have a grant of some sort or other; it then sells the land, receiving only payment in thirty-five years; therefore clearly there must be a large capital to invest, but a capital which would be returnable. (Q.) Then you contemplate that eventually there should be no cost whatever accruing to the church surplus by making these advances? (A.) I think the church surplus would be perfectly safe." I ask you shortly, do you agree with Mr. Vernon in those two answers?—I do not see that the funds of the Church Temporalities Commission are particularly applicable to the question; they might or they might not be suitable; but it appears to me that if the thing ought to be done there should be no difficulty about the money.

750. You do not think that under any of the circumstances described by Mr. Vernon, there would be any danger to that fund if that fund were used?—Not the least.

751. Now will you refer to Question 117 of Mr. Vernon's evidence. Mr. Vernon in his answer says, he would not have the proposed Commission to purchase any estate without ascertaining beforehand that the tenants were willing to purchase their holdings at prices which would be sufficient to indemnify the Commission for its intervening as the purchaser of the whole. Am I right in laying it down shortly that you are of opinion that no such preliminary requisition would be necessary for the protection of the fund?—I do not think it would. I think that the fund should be invested in buying estates at a fair value, and those could be sold to the tenants if they chose to purchase; if they did not choose the value might be realised in the open market.

752. Then am I right in saying that you believe

Sir Joseph McKenna—continued.

the power which the Commissioners would have of purchasing for cash and selling upon liberal terms as to re-payment by instalment would be quite sufficient to cover the risk of possible depreciation in the prices obtained for the rejected lots?—I think, if it were open to Commission or the Department of the State to acquire land at the market price, and then sell it, as they would do, giving assistance from the State to the purchaser, that they would be able to fully realise what they gave, and, if it were desired, would also be able to realise a profit because they would have an advantage over ordinary sellers.

Mr. Planchett.

753. Had you anything to do with the selling of the Clonville Glebe?—I think I valued the property.

754. What is the population living on it?—I dare say there are 10,000 or 20,000 inhabitants.

755. Newry is one of the largest Irish towns, is it not?—It is a second-class town.

756. This glebe land is within four miles of it; the tenants were Protestants, and a great deal of the money came from America, did it not?—I do not think that any of the money came from America, but many of the tenants were assisted by members of their family who were in employment at sea.

757. But not in America?—I do not recollect any instance of any money in that case having come from America.

758. You spoke of solicitors in many cases buying for the tenants. Have you seen any of the conditions on which the land was conveyed to the tenants afterwards?—The only document I have seen in the form of a contract between the tenant and the person to whom the tenant had assigned his right of pre-emption, was a promise of a lease for 500 years. In the other cases which I referred to I was quite content with the tenant's assertion in the matter.

759. You did not inquire whether the neighbouring solicitor would, in law, become himself the owner?—I imagine that if the tenant assigned his right of pre-emption to the solicitor, or anybody else, the assignee had then the power of becoming the owner, and in the cases which I have referred to, he became the owner of the land, the tenant remaining in occupation.

760. You spoke just now of the sons and daughters of tenants with small holdings very frequently going to America; are you aware of the proportion of the Irish who went to America, and of those Irish who came from America, within the last year?—No, I have not gone into those figures, but among the Irish who have returned from America within the last few years within my knowledge, many have come back with money, and have invested it in buying land from the Church Commissioners, and some from the Landed Estates Court, and, therefore, I imagine the balance would be somewhat in favour of this country, as regards buying lands.

761. Would your calculations of the spaces of these small freeholders be at all disturbed by the stoppage of emigration to America?—I have not considered that question, but I do not think it would; I do not think emigration is likely to cease. America offers a comfortable home, and a good prospect to people, even now. Within the

Mr. Pakenett—continued.

the last few days I have been hearing from tenants, or from small holders in Ireland who have gone to America, that they are still doing well, and inviting others to follow them; therefore I imagine that emigration is likely to go on still.

762. In reducing the cost from 19*l.* to 2*l.*, you propose to do that by employing the Crown Solicitor to make the conveyances, as I understand?—I think that any body who had charge of a measure for selling land in small lots in the manner proposed, should have a solicitor of their own ready to do this.

763. Do you mean paid by the State?—Yes.

764. You recognised, of course, the fact, that you would not have done away with the expense, but would merely have transferred it to other shoulders?—Not at all; I would have the tenants pay for the transfer, but I would have them pay the cost price, and not the large and unnecessary remuneration which they do now.

765. You think there would then be an actual saving?—I think the expense connected with the deeds might be reduced; the expense is very large.

766. Were you thinking of that when you spoke of so large a reduction as from 19*l.* to 2*l.*?—Yes.

767. Did you say that the price of tenant-right upon the estates sold by the Church Commissioners averaged 19 years?—In all the cases which have come under my notice, the average was 19 years' purchase of the rent.

768. Has the sale of a tenant-right out of Ulster ever come under your notice?—Yes, it has.

769. In what parts of Ireland?—In Tipperary, Cork, Kerry, Limerick, and Clare.

770. You stated that sales of the tenant's interest are common in every part of Ireland; do you hold to that statement?—I do.

771. Have you ever heard of tenant's interest being sold, for instance, in Kildare or Meath?—I do not know that I can mention any instance of the sale of a tenant's interest in Kildare or Meath.

772. Are you aware that tenant right exists, or does not exist, in those counties?—It depends very much upon what you mean by tenant right; the custom of sale, so far as my experience goes, is universal.

773. The custom of the sale of what?—Of the tenant's interest; that is to say, I find it prevailing in all parts of Ireland. I know many estates upon which the sale has been checked within the last few years.

774. You cannot tell me, from your experience, whether the practice obtains in Meath or Kildare?—I cannot recall a particular instance, but I have often heard of sales of that description both in Meath and Kildare.

775. You mean to say that you have a vague general recollection of it?—Yes.

776. When you speak of these sales, do you mean open proceedings, recognised by landlords or by their agents?—Perhaps I can explain that better by giving you an instance, if I am not called upon to name the estate. There is an estate of several thousands a year in the south of Ireland.

777. But I am speaking of Meath and Kildare?—I cannot give you a particular instance in Meath and Kildare.

O.S.I.

Chairman.

778. Will you state your experience of that estate to the Committee?—When I state that tenant-right prevails on a large estate in the south of Ireland, I was going to add that the agent, who had been the agent for 30 years, told me that before the Land Act passed, he was quite aware that when farms changed hands money was always paid, and had been so long as he had been agent of that estate. Upon that estate now a sale is not permitted.

Mr. Pakenett.

779. When the agent told you that he knew it, did he mean that he recognised it?—Not at all; he merely told me that he knew money passed upon every change of tenancy.

780. The inference from that is that it was not recognised?—I did not draw any inference from what he stated at the time, but he stated as a fact that whereas up to the time of the passing of the Land Act the tenants had been in the custom of paying when they obtained farms from other tenants, since that time it had not been permitted; and in that way, I say, that sales of tenant-right are common in all parts of Ireland. Upon some large estates in the south of Ireland I know that the sales are permitted openly.

Mr. Haggate.

781. When you say that there was "money passing," do you mean money given for the right of occupation as distinguished from the valuation of crops as between the outgoing and incoming tenant?—Upon such estates as I have referred to the tenants are allowed to sell their interest to the highest bidder.

Mr. Pakenett.

782. You stated, I think, that the tenants in Ireland were the worst housed people in the world on account of their holding by yearly tenure?—I beg your pardon, I did not say that the tenants in Ireland were the worst housed people in the world. I said I thought they were the worst housed people in the civilized parts of Europe.

783. Do you know the proportion of leases to yearly holdings in England, as compared with the same proportion in Ireland?—No, I do not.

Chairman.

784. When you say that the sale of tenant-right prevails in every part of Ireland, you do not mean to say that it is universal?—Not at all.

785. But there are cases of that sort in every part of Ireland?—Yes.

786. The practice prevails everywhere unless checked by the owner?—Yes.

787. In fact, in every part of Ireland there are cases in which it is not checked by the owner?—Yes.

788. In some cases the owner absolutely forbids the practice?—In many cases it is forbidden, especially of late years.

789. In many cases the owner has stood by, knowing the thing is taking place without interfering?—Yes, certainly, until the Land Act made it incumbent upon them either to recognise it, or not to recognise it; then many landlords showed their disapproval of it.

790. When

Mr.  
O'Donoghue.  
4 March  
1878.

Chairman—continued.

790. When you spoke of the average value of tenant-right given in respect of church property being 15 years, did that embrace the whole of Ireland?—The Commissioners have not nearly so much land in the south of Ireland as in the north, not some of the cases of the sale of tenant right took place in the south of Ireland.

791. Was a much higher price given for tenant-right in the north of Ireland with respect to church property than in the south?—I do not think I could compare the two parts fairly; I should say that just as high a price was given in the south as in the north, but the Commissioners' property in the south being so small in quantity, I do not think I could compare the one with the other.

792. You have been asked about the tendency of tenant purchasers to subdivide after their purchase; have you known any cases of that sort?—I have not known of any cases of subdivision, except where, at the time of sale, a tenant was not able to buy his farm. In a few cases which came under my notice he allowed another tenant to buy, on giving him the money to purchase a smaller plot for himself.

793. Have you known cases in which tenants have bought from one another, thereby showing, perhaps, some tendency in the other direction?—I have known more cases of consolidation of farms than of subdivision.

794. You think, upon the whole that consolidation is quite as likely to take place as subdivision?—I think if farmers are perfectly free to use the land to the best advantage to themselves, they will buy and sell as it suits them best.

795. The holdings of the tenants of church lands are smaller than the average holdings in Ireland?—Yes, very much so.

796. Is it as important to the small farmers to become owners as to the larger tenants?—It is very much more important, in my opinion.

797. Why do you think so?—For one thing, it is the best way of housing the labouring population; it does not pay the landlord to build houses for them, and it is a matter of experience, that where they have the opportunity, they, not all at once, but from time to time, invest their little savings of money and labour in building themselves houses, and improving their little plots.

798. And I suppose proportionately they do not require so much capital for the cultivation of their holdings, that bring more spade labour than otherwise?—Certainly; the labour of the man and his family is sufficient for the cultivation of a small farm.

799. May I take it as your opinion that it is more important that the State should encourage the small holders to become owners of their holdings than in the case of the larger holders?—Certainly.

800. You have been asked as to how far you agree with Mr. Vernon's suggestions in regard to the appointment of Commissioners who should buy land and re-sell it, and you told an honourable Member of the Committee that you did not agree with him as to the expediency of sending a valuator to the land before the purchase, with the view of entering into a definite contract with the tenants before the Commission bought the land. I understand you do not agree with that part of Mr. Vernon's evidence?—I do not think that the details of that part of Mr. Vernon's plan

Chairman—continued.

would be practicable; there would be no occasion for a valuer to go down as Mr. Vernon suggested. What would be required under his scheme would be a man to negotiate with the tenants, and to try and induce them to enter into a contract.

801. I presume that it would be desirable in your opinion that some one should go down on behalf of the Commission to ascertain whether the tenants were likely to buy, and to explain the whole object to them; and having ascertained the proportion who were likely to buy, then the Commission should go into the market and buy the property at the market price?—Quite so.

802. But you do not think it would be expedient, before the tenants undertake to purchase, for the Commission to go and buy the property?—I do not think it would be expedient.

803. Therefore you think it would be expedient to send down a person to ascertain the general value of the property, and whether the tenants were likely to buy?—I think it desirable that that should be done to prevent loss.

Mr. Flinn.

804. Would it not be well that the person sent down to negotiate should have some knowledge or capacity as a valuer, in order to judge as to the fairness of the proposal which the tenants might make?—I think it would be necessary for the protection of any department of the State buying a property that they should inform themselves as to its value. With regard to dealing with the tenants, I do not see that anything would be required beyond the power of dealing with men, and of understanding business generally.

Chairman.

805. With regard to the residue of the properties which have been sold by the Church Commissioners, have you heard of some cases where the land has been very much honeycombed?—In many cases the land has been very much honeycombed.

806. Can you give the Committee an illustration of such a case?—This map (*producing a map*) shows a property consisting of three townlands; the part coloured brown was bought by the tenants under the 54th section of the Church Act, and the residue was advertised in the usual way by the Commissioners; it had been offered to the tenants for 4,430*l.*, and the highest offer which they received for it, and at which they sold it was 4,450*l.*

807. How many years purchase upon the rental does that give?—I have not the amount of the rental at this moment.

808. What is the name of the glebe?—The glebe of Drumgoss parish, in the county of Carrow.

809. It is situated in three townlands, is it not?—Yes, it is situated in three townlands.

810. Was the residue offered to the public in one lot, or how?—It was offered in the usual form by the Commissioners, who said they would receive offers for any particular holding, or for the whole, and the best bid they received was for the whole.

811. Who was the purchaser of it?—A clergyman in the neighbourhood; I do not recollect his name.

812. Did he buy it to hold, or to sell again?—He bought the property to hold, I believe.

813. Has

*Chairman—continued.*

813. Has it been the case with many other properties, that they have been very much honey-combed in that way?—There have been some cases in which the holdings for sale have been very much detached, where, owing to the competition which ensued, higher prices were obtained for them than they were offered at to the tenants.

814. The prices were higher than you expected?—The prices obtained by the Commission were higher than they expected to get for residues.

*Sir Joseph McKenna.*

815. Did the purchaser, with whom the Commission ultimately dealt, get the same advantages as the tenant would have got?—No; he obtained a less sum as a loan, and he was bound to pay this off within a less number of years than tenants purchasing under section 24.

816. So that not only in point of fact did the Commissioners get more in price than they would have obtained from the tenants, but they dealt also on more stringent terms with the purchaser?—They got it upon a less advance of money, and repayable in a shorter time, which was, of course, an advantage to the Commission.

*Chairman.*

817. Is there much of this honey-combed property left in the hands of the Commission?—I could not say; I believe they have about 8,000 £. or 10,000 £. a year left on their hands, part of which they are negotiating for sale by offer to the tenants.

*Sir FREDERICK HENEGATE, Bart.* called in; and Examined.

*Mr. Pieshot.*

825. You were formerly Member of Parliament for the County of Londonderry, were you not?—I was for 15 years.

826. You have lived a good deal in Ireland?—I have been a resident proprietor in the county of Londonderry for about 27 years, and I am a magistrate for that county, and also for Leicestershire.

827. I suppose, therefore, you have lived a great deal also in England?—I think I may say that I have had as much experience in England as in Ireland.

828. Now, in regard to the distribution of the ownership of lands in England and in Ireland, what do you consider the main points of difference to be?—The great difference between the two countries, undoubtedly, is the want in Ireland of a middle class; what strikes anyone who knows Ireland is the fact that there seems, generally speaking, to exist only three classes there, namely, the owners of land, the small tenants, and the labourers.

829. Do you consider that a satisfactory state of things in a social, economical, and political point of view?—No, I do not think so; I think it is a weakness of the country, and a weakness which it may be very difficult to find any mode of escape from in the absence of manufacturers and capitalists residing in the country, and in the absence of any number of large farmers, and men of that class of education and capital.

830. Then I presume you would be glad of 0.51.

*Chairman—continued.*

818. In your opinion, will they get a fair price for it?—I have every reason to think those properties will sell as well as they have sold within the last two years.

819. Provided they be not forced upon the market?—I think that the fact of the Commissioners' term expiring next year will tend to lower the prices, because the Commissioners may think themselves bound to take the best price they can get, without regard to the value of the property.

820. With regard to the residues, it is necessary, in your opinion, to put them upon the market gradually?—Yes; certainly they should not be hurried into the market.

821. If that is done there is generally a very fair price obtained for them?—Certainly, when the lots are small.

822. In your opinion, there would not be any loss arising from that process?—I should not anticipate any loss.

823. Then, if a Commission, such as Mr. Vernon suggests, were appointed, with power to buy lands with a view to selling portions to the tenants, and afterwards to sell the residue, there would be, in your opinion, very little loss arising from a sale of residues?—I do not think there need be any loss whatever.

*Colonel Taylor.*

824. Is not the price of the residue this year smaller than the price last year?—It is somewhat under a year's purchase less this year than last year.

*Mr. Pieshot—continued.*

anything which would tend to increase the number of landowners, both in the class of large owners and in what we may call the middle class?—Certainly, if it could be done in a natural way, that is to say, if you could find a class of people who would be a strength to the country, people of education and enlightenment, and people of capital, whether as owners, or occupiers, or otherwise. Of course, if you could find a larger number of capitalists who could buy property, not in large tracts of land, but in moderate tracts, and who would be able to fulfil the duties of the county, that would probably be the best thing you could have.

831. But supposing you could not secure a large number of this kind of purchasers at once, what would you think the next best change from the present state of affairs?—The next best thing would be a larger number of farmers with moderate-sized farms; men of intelligence and education, above the prejudices of the very small class by whom they would be surrounded.

832. What would you call an averaged-sized farm in that point of view?—That depends upon the part of the country you speak of. I speak of the part I know best, namely, the counties of Londonderry, Donegal, and Antrim, which is not a grass country. What we find there is that a farmer with from 20 to 50 acres is, generally speaking, a very prosperous man if he is an industrious man. A man who has a farm which will maintain a pair of horses, and which he can generally

*Mr.  
O'Brien.  
+ March  
1873.*

*Sir  
F. Heggate,  
Bart.*

Sir  
F. Hoggate,  
Bart.  
4 March  
1874.

Mr. Plunket—continued.

generally cultivate with the labour of his own family, with, perhaps, a little assistance, is practically, in my belief the most prosperous man in the North of Ireland.

833. Could you estimate by rental the kind of farm you speak of?—That depends very much on the valuation; and the valuation, as the Committee know, between the north and the south of Ireland is entirely different. The valuation in the north of Ireland has, I believe, proceeded upon the principle of about 25s. to 1 l.; that is to say the rent would be 25s., and the valuation 1 l.; but I believe in the south and west of Ireland it is very much below that average; therefore you may say in the north of Ireland, taking a man farming 50 acres of land, that on the average his rent would be very nearly the same figure, that is to say 1 l. an acre; but that must be understood as excluding tracts of mountain which are held at a lower rate.

834. You are speaking of statute acres, are you not?—I am speaking of statute acres, because that is the basis in the Government valuation.

Chairman.

835. May we take it that 1 l. an acre is about the average valuation of land in Ulster excepting mountain land?—Yes, for fair average land.

Mr. Plunket.

836. I believe you have read the Blue Book, containing the evidence given before the Committee last year?—I had the evidence sent me.

837. And I believe you have made yourself acquainted with the evidence given by those witnesses who have been examined since the Committee met this year?—I have.

838. You have doubtless considered the plans proposed to the Committee, to extend the operation of what are called the Bright's Clauses of the Land Act?—I have; and they appear to me to be attended with very considerable difficulty and some risk. Although undoubtedly the benefits would be great, if they could be safely carried out, and the farms sold to the tenants themselves, and the proprietorships were not too small, still I think the proposal to buy land at the Government expense is so serious, and so contrary to all the laws of political economy, that it requires to be regarded with great caution. I may say besides that, that I have taken the trouble for some time past to read up books relating to the tenure of land in Europe, and I can find no country in which the State lends money at all to tenants for the purpose of buying the freehold. Therefore I think I am right in saying that it is an extraordinary proposition, and as such would require great caution before being adopted. I do not say it is not worthy of consideration, by any means, but I think we should be guided by the experience of what has taken place already, before we enter in what might be a very hazardous operation.

839. You mean of course the results which have taken place in Ireland?—Yes; I have read a good deal of the evidence of what has taken place so far, but what appeared to me was that so short a time had elapsed, especially since the Church Commissioners' sales of glebe had commenced, that it was almost impossible to form any opinion of the result in those cases. There

Mr. Plunket—continued.

are peculiarities about those cases which I have not heard stated here, but which certainly should be inquired into by the Committee.

840. I will come to that presently, but I would like to ask you first, do you believe that the proposals which have been made before this Committee would lead to the acquisition of a large number of very small fee-simple holdings throughout the country?—You can see in the first instance what the effect would be by taking the number from the Government statistics of the farms which already exist in Ireland, and you will there see how many there are under each different acreage; from that you are able to judge what will be the effect of any extensive application of this system to the purchase of these farms.

Chairman.

841. Have you a return of these figures?—I take these figures from Thom's statistics for 1875. The result comes to this, that, speaking in round numbers, there are 51,000 farms under 1 acre; 69,000 under 5 acres; and 166,000 under 15 acres.

Mr. Plunket.

842. Each class there excluding the one below it?—Yes; but if you add these two classes together, that is to say, those farms under 1 acre, and those under 5 acres, and those under 15 acres, you get a total of 286,000 holdings; then of farms above 15 acres and under 30, there are 137,000, and of farms from 30 to 50 acres 73,000. The total holdings, according to these statistics in Ireland under 50 acres is 495,221. Now the result is, that if you draw the line so as to include all under 15 acres, you have 286,000 out of 496,000, that is considerably more than one-half, nearly three-fifths. The result would be, that if you allowed tenants to purchase, who held farms under 15 acres, you include 287,000 of these tenants.

Mr. Plunket.

843. Do you suggest that it is not desirable these tenants under 15 acres should become proprietors of their holdings?—I think it is a dangerous thing, decidedly.

844. Will you say why you think so?—The reason is this; I think, to compare a class of men of that sized holding, renting, and owning, you must consider what advantage the man who owned would have over the man who rented, would he be able to grow in Ireland any different kind of crop; it does not appear to me that in that climate (whatever it might be in France and Belgium and other countries) he would have any advantage in the crop he could grow; he must farm his land in the same way, except perhaps with greater industry.

845. What kind of crops alone do you think they can grow in Ireland as compared with other countries?—I cannot think that any possible cultivation would enable a man to grow anything more than the usual crops, such as potatoes, corn, turnips, flax, grass, &c.; he would not be able to grow any of the peculiar crops which are grown by small farmers on the Continent.

846. To what class of crop do you refer as being grown by small farmers abroad?—In Belgium they grow a great deal of flax, all kinds of green crops, and a great deal of hestroot, and of course



Mr. Plantet—continued.

course in the better parts, not of Belgium but of France, there is the vine, tobacco, and figs, and all kinds of vegetable produce, such as lettuces, and so on, which the people live upon, and for which there is a very good sale in the neighbourhood of large towns. Then if you go to the Riviera there you can grow oranges, and almost all sorts of tropical productions, which cannot be grown in a northern climate; whereas in Ireland I am afraid we are confined to crops which will grow in a worse climate.

847. Are there any other respects besides the character of the crops in which you think the conditions of very small proprietors in Ireland would not be so favourable as they might be in foreign countries where the experiment has been tried?—In Belgium, for instance, taking that case as one of the strongest, looking at the statistics, the first thing one sees is, that only 25 per cent. of the population are employed in agriculture, so that three-fourths of the people are employed in something else, that is to say, in trade and commerce, and that makes at once an immense distinction between Ireland and Belgium.

848. Have you found any difficulty in arriving at the true statistics in this matter as regards Belgium?—I have taken my figures from the Parliamentary "Reports from Her Majesty's Representatives respecting the tenures of Land in the several Countries of Europe," presented in 1870, and it is difficult to know where to go, if you are not to believe the report made by people in authority upon the spot, with access to all the Government statistics of the country.

849. So far as you have been able to extract definite conclusions from that report, and from your own consideration of the subject, what is the opinion you have arrived at as regards the small proprietors in Belgium?—One extract from this report seems very much to the purpose: "The condition of farmers who are proprietors of their lands, and tenants, is much the same; both are forced to the most rigid economy, and seldom or ever taste any meat; that refers to Belgium. Then I will leave Belgium, and go to Holland, to which I have paid a visit. The average quantity of land owned there by proprietor farmers seems to be from 50 to 100 acres apiece; that is the information given in Government statistics.

850. Do you mean to say that there is no considerable number of proprietors holding smaller farms than that?—That is given as the average, and I should think it is correct, seeing that it is mostly a grazing country.

851. Have you anything more to say in regard to Holland?—The statistics of Holland state that the registered mortgage upon land in that country amounts to about forty millions of our money, and there is no aid given by the Government to buy land.

Chairman.

852. Does not the French law, of an equal division of property, prevail in both countries?—Certainly.

853. Therefore, from the necessities of the legislation, the land must become very much divided?—Yes.

854. Therefore there would be no necessity for State intervention to increase the numbers of small owners?—Quite so. I did not go into the question of whether it was right or wrong, but

651.

Chairman—continued.

merely into the fact that none of these countries have any law to assist people to buy land.

Mr. Plantet.

855. Now with reference to France, will you give the Committee the result of your consideration of these reports?—If I felt any difficulty in the way of this Government purchase, my principal fear would be of subdivision, and the effects of subdivision. I am not like the previous witness, who stated that he only knew by reading what happened at the time of the famine; unfortunately, I remember a good deal of the effects of the Irish famine, and therefore I look naturally at the statistics of other countries, which have these small proprietors, to see in what way they escape the evil consequences which I fear from the minute subdivision of land, and whether there were any circumstances which would prevent the land in Ireland being subdivided or alienated.

856. But before we come back to Ireland, will you tell the Committee what observations you have to make with regard to France, giving them so fully as you please?—In France, as the honourable Chairman stated, the subdivision of the land was caused in a great measure after the Revolution by the law of distribution of real property. The wisdom of that law now seems to be a good deal doubted. All the early writers on the subject undoubtedly say, that it was an excellent thing for France to have the land released from the feudal ties by which it was bound up before the Revolution. After that time the land became divided amongst a number of people, and there was a greatly increased production of food and improved agriculture, but then it should be remembered what the state of France was at the commencement of the adoption of this practice. Now if you follow it out, certain results seem to be presenting themselves to people in France, which are very unpleasant: one is the diminution of the agricultural population. This very report contains a sentence which is a very remarkable one on that point. This appears in the report: "The decrease in the number of children in the families of the peasantry is a fact fully established by the 'Rapports Agricoles'; and it is generally remarked, by those to whom questions on this subject were put, that there is a progressive tendency to diminution of fecundity in the families of the agricultural population. The labourer who has become a proprietor fears that his plot of land would be too much divided if he had a numerous family. He calculates, also, more than formerly, the expenses which he must incur in bringing up his children, and the uncertainty (should he have them) of their remaining with him, when grown up, to assist him; where families of seven or eight children were commonly to be met with in France, they now consist of two or three, or, perhaps, only one child. As compared with other countries, therefore, it may be said that the rural population of France is diminishing."

Chairman.

857. I think Mr. Sackville West is quoting there from M. De Lavergne?—Yes, he is.

858. Will you turn to page 173, where Mr. Sackville West gives his own conclusions?—I have read the whole of those paragraphs, and they appear to contradict one another alternately.

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859. Will

Sir  
F. Haygate,  
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Sir  
F. Hoggate,  
Bart.

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1871.

Chairman—continued.

859. Will you refer to the paragraph beginning, "The small proprietor"?—The small proprietor is seen under more advantageous circumstances in France than in any other country in Europe, for he has, in fact, been the creation of a system which, whatever may be urged against it, has reconstituted the rural economy of the nation, and more than doubled the product of the soil. His mode of life presents a striking and instructive illustration of the system, for it is based upon the proceeds of the land in which he has a direct personal interest, and he lives, therefore, as an independent member of society, rising according to his means in the social scale. The amount of capital expended by the small proprietor on his land is proportionately small, but it must be borne in mind that the general fertility of the soil, the variety of its produce, and the little industries created by the *cultures industrielles*, make up in a great measure for deficiencies in the mode of cultivation. The condition, however, of the small proprietors varies very much in different departments, as also does the mode of cultivation, but they will generally be found in easy circumstances, and living always in the hope of bettering them; and it is this hope which absolute possession engenders that stimulates them to fresh exertions, beneficial not only to themselves, but to the community in general. I have already alluded to the disadvantages arising from the excessive morcelllement of the land to which the present system of proprietorship in France is leading in many districts. All persons conversant with the subject appear to be unanimous as to its evil results, and it is becoming an important question as to how far it may be possible to preserve a system which has been productive of such undoubted benefit to the nation, and at the same time prevent its undue development from becoming the cause of ruin and misery.

860. The morcelllement to which Mr. Sackville West refers is the compulsory division of property on death?—Yes.

861. And not only of the whole property, but of each separate holding which the man has?—Yes, certainly.

862. And it is that to which exception has been taken by many writers in France, namely, the division among all the children equally, not only of the whole property of the testator, but of every individual property which he has, is not that so?—Quite so.

Mr. Plunket.

863. Do you wish to say anything more upon the subject of France?—The remarks about France are very interesting to any one who wishes to read upon this subject, but they are so largely given here, that it would be almost impossible to quote them; the return gives the number of proprietors, farmers, and labourers; it states at £500,000 the number of farmers who own their own land, 500,000 are farmers and 300,000 are métayers, and 1,000,000 are day labourers. Further on the report states that there are 5,000,000 proprietors who hold under six acres.

864. Now, to apply these analogies to Ireland, do you apprehend that the subdivision of land would be excessive, if a large proportion of the small occupiers became owners in fee?—I cannot see why the same reasons which induce

Mr. Plunket—continued.

small farmers to wish to subdivide their farms where they are merely tenants-at-will, would not operate with even greater strength where they owned them in fee; my own experience of it is, that it is the case already where the value of tenant-right amounts, as it does in Ulster, to a very considerable sum, which is in reality a sort of fee-simple share which the tenant farmer now has in the value of his farm. My own experience, and that of many other landlords about me is, that as long as the farmer having ten or fifteen acres of land is alive, it is all very well, but when he dies he either makes a will or he does not. The value of this tenant-right or fee-simple, as it would be, if these small ownerships took place, is very considerable; even on ten acres of land it would not be worth less, I suppose, than 40 years' purchase; putting the tenant-right and fee-simple together, that is 400 l. A man has three or four children probably, and a wife, and if he makes a will, and leaves it all to one, great injustice is done apparently to the rest of the family, who, in fact, would not stand it. My experience is, that they will come even from America; in fact, that there is no claim, however remote, which is not brought up against the farm upon the death of the late proprietor. On the other hand, if he made no will, all those parties claim their share in the value of it. The eldest son, if the landlord chooses to favour his claim to be the tenant, must either raise money in some way to pay off these other claims, or he must sell the farm, and I see that that is coming to pass in many cases about me; this large tenant-right which is really an extension of the small proprietorships, will put a number of these people out of their farms, and will induce alienation in many instances.

Chairman.

865. What is the usual method in Ulster of dealing with tenant right in the case of death?—Before the passing of the Land Act, when tenant-right was not property in the eye of the law, the landlord, so far as he could, carried out the dying wishes of the proprietor, often written, sometimes in the shape of a rude will, seldom legal, and took the eldest son, or whichever son the late tenant designated as his successor, if there were nothing against him.

866. But we have been told before this Committee that the usual course was that one son took the farm, subject to portions for the other brothers and sisters, so that each of the children would practically have his or her share in the value of the farm; does that agree with your experience?—That was the case formerly.

867. Was it the fact that the son who took the farm, took it charged with portions for the other children, so that each child should get about an equal share?—The owner or the landlord did not know much about that; he did not wish to know; all he wished to know was that the man who had got the farm was a solvent man.

868. Was not it a very ordinary thing that a man who took a farm, took it charged with such an amount for the younger children as would represent their share in the value of the farm?—I do not think they thought much of the value of the farm; but, as a matter of practice, the younger children were content to let one of their brothers take the farm without making him pay anything at all, that was before the passing of the Land Act; but since that time the difficulty has arisen, and

*Chairman*—continued.

and is a very serious one, that if a man dies without leaving a will, everyone of his relations comes back. I have had them come back from America, and make a claim for their tenth, or their fifth, or their fourth in the value of the farm. The result is that the farm must be given up.

*Mr. Plunket*.

869. Was not it the common practice on many estates to continue the farm to "the representatives of" So-and-so?—It has been the practice everywhere. I have done it myself. Not being able to see which of the brothers was to be the tenant in the future, and wishing to give them time to settle it themselves, the name of the representative is entered in the rental, and the receipt is given in his name.

870. Is that practice very general?—Very much so.

*Mr. Parnet*.

871. In what way do you suppose the increase of small proprietors would affect that state of things?—Supposing alienation does not take place, then subdivision takes place instead, either when the instalments due to the Government are paid off, or before that; because I need not point out that if subdivisions were considered expedient, a tenant would raise the money to pay off the instalments to-morrow, and not 20 years hence, as a witness stated before this Committee.

*Sir Joseph McKenna*.

872. The relations of the deceased, in fact, compel the tenant in possession to administer the estate of the deceased?—Yes, and that forces him to distribute the value.

*Chairman*.

873. As long as these small properties are mortgaged to the Landed Estates Court, or to the Church Commissioners, they could not be subdivided?—No; but if a man died who had bought his freehold subject to a charge to the Commissioners, and his successor saw that he must divide the fee-simple value amongst the brothers of the man who had died, it is clear that he must sell it, because otherwise he cannot divide, and he would borrow enough to pay off the Commissioners, and then subdivide the holding.

*Mr. Plunket*.

874. You think that is what would take place?—It must take place.

875. You spoke of the result of the famine; do you apprehend that in the result this arrangement would tend towards such an excess of small proprietors coming upon the land again?—I am not so afraid of there being such a subdivision as was formerly the case, because the population is much reduced, and the means of communication between Scotland, and England, and Ireland are so rapid and so easy that people will go away and find other employment; I am more afraid of alienation, that it will break up those farms.

876. Do you mean to say alienation followed by subdivision?—It must be followed by subdivision, unless you can find people to buy the farms in its entirety.

877. But I understood you to state, in the early part of your evidence, that your recollections of the famine time had greatly impressed upon you

*Mr. Parnet*—continued.

the necessity of caution in such proposals as the present; will you explain to the Committee what you mean by that?—I think every proprietor in Ireland must be perfectly aware of the dreadful consequences which happened from the almost sole cultivation of the potato in great districts, it being such a precarious crop. The cultivation of the potato is a necessity on every small holding, owing to the fact that it is the only crop which will produce a sufficient bulk of food to sustain a large number of people upon a small piece of land, and unless there is some external employment for the occupiers, something at which they can earn wages besides the profits arising from the cultivation of a small plot of land, the same result would occur again if the potatoes failed.

878. Do you connect those two propositions in such a way as to lead you to suggest that the carrying out of general sales without due precautions to small tenants would tend in that direction?—It is entirely a question of degree: if only a small portion of the country is dealt with in that way the consequences might not be serious, but if it is carried out on a very large scale I cannot see why alienation of these properties would not ensue, and very likely subdivision; and if it did cultivation would go back again, and the cultivation of that precarious crop of potatoes would again become universal.

879. What do you say would probably be the effect of an operation of that kind in 20 or 30 years' time?—The consequence of the Government advancing money to enable people to buy their freehold, taking landed proprietors first, would be to raise the value of land temporarily. There are many landed proprietors who would be very anxious to sell their land and leave the country, not caring what the result might be to the permanent interest of the country. But if you look to the permanent interest of the country I think you must look at what the result would be to the owners of small holdings after the present generation has passed away. Not only does the present proprietor gain by getting a higher value, but the present purchaser gains, because he becomes a proprietor at little or no cost. But you must go to the next generation after that, 20 years hence, to see what the result will be.

880. Your general impression would be that the multiplication of small holders would be unfavourable to cultivation, and undesirable socially and economically; is that your view?—I wish it to be understood that my remarks apply to the multiplication of the purchase of these very small holdings. I am afraid that that is what the conclusion must be from these statistics which have been quoted, showing the very large proportion of holdings which are under 15 acres of land, and there are other reasons which would render any large extension of the system of small holdings a serious thing to the country.

881. Will you be good enough to state those reasons to the Committee?—One reason is that while there are many of these small holdings there is great difficulty in making any large improvements, such as drains, upon a large scale, which go through more than one farm; embanking streams and making new roads. Any of these kind of public improvements, which are for the interest of the public, involve a sacrifice from these small holders which is greater than their share in the public improvements, and they op-

*Sir F. Maguire, Bart.*  
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R. Hyatt,  
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Mr. Phelan—continued.

possess them by every means in their power; that is one thing. Then there are a class, generally speaking, who are opposed to all change even by way of improvement. The only thing they care for is to avoid taxation. I suppose they are very like all farmers in that respect, there is a great fear of public opinion amongst them, and there is a great indifference to public duties; it is an exceedingly difficult thing in Ireland to get farmers to perform public duties, to get them to attend regularly as poor law guardians or jurors. Anything which takes them away from their farm is looked upon as a great sacrifice of time for what they do not care for, namely, the public good. I am sorry to say that in a district which I know well, where properties have been sold to small holders, the public institutions suffer very much. There are no longer subscriptions to infirmaries, hospitals, and so on; these small holders care nothing for that.

Chairman.

882. Would there be any fear of their becoming absentees?—An absentee is represented by his agent, although I would not be understood as justifying absenteeism, but he, at all events, leaves somebody behind him.

Mr. Phelan.

883. In your opinion what would be the effect upon the labouring population of the creation, on a large scale, of these small proprietors?—I think the effect upon labourers would be twofold; undoubtedly, in one respect it would be good, because you would have farms occasionally coming into the market, of a size which would be within reach of industrious labourers, and men who had saved money would be enabled to rise in the social scale, and become small farmers after a time; on the other hand, I am afraid the consequence would be, that many of these small owners would build cottages of a very bad description, mere hovels, and let them at exorbitant rents, which I know they do, while they would not themselves be able from the smallness of their holdings to give those people employment who occupied them.

884. What would be the effect of that; would it be to increase excessively the number of labourers, or what evil do you think would result from that?—I think, on the whole, it would be adverse to the interest of the labouring class, the labouring class being, I believe, nearly 2,000,000 in number.

885. Have you any other suggestions to make to the Committee in regard to what seems to you likely to be the effect upon the country if the creation of the small class of occupiers into fee-simple holders were carried out very largely?—If it were carried out largely I think it would be really the adoption of the continental system, and you must accompany it with the adoption of the continental system of government. I know that in many parts of France there is hardly any one living in the country able or willing to perform the ordinary social duties. There are very generally a great mass of people living on nearly the same level, who care very little for performing the requisite public duties.

Chairman.

886. Suppose, instead of there being only so small a per-centage of proprietors in Ireland, we

Chairman—continued.

had one-fifth or one-sixth of the holders of land in Ireland proprietors; would that be open to objection?—I quite agree that that consideration may be neglected, because, as the previous witness said, if once the tenants generally thought that the Government would bring forward money for them to buy their lands, it would become the fashion for them to do so, and would render the position of those who were not owners a very awkward one.

887. Is not that an argument against doing anything at all, even what was done under the Land Act?—The Land Act was passed in order to give security of tenure.

888. But with regard to these clauses that we are now considering, was it not their object?—At the time these clauses were proposed in the House of Commons I did not oppose them. I had no great confidence in them, but I thought it was an experiment which might be tried, and I remarked that if it were tried anywhere it might be tried in the north of Ireland, where people were particularly honest in fulfilling their engagements.

889. Then, I gather from you that you are not altogether sorry that they have failed?—I am sorry for the failure if it were anything that was brought forward for the good of the country.

890. Then you did not expect that they would succeed?—I did not think that they would succeed.

Mr. Phelan.

891. As I understand, the danger which you apprehend would rather arise from the greatly increased sale of the holdings to small tenants?—It is entirely a question of degree, and I wish to be understood as not desiring to give evidence to the effect that nothing should be done; only I think it is so serious an undertaking, that time should be given, and very full experience should be obtained of the result of the experiment, for I look upon it as an immense experiment.

892. You stated, I think, that it would be necessary to introduce into Ireland those powers which were given to the local authorities abroad with the view of controlling or stimulating the action of small proprietors in their social duties; would you explain what you mean by that?—Taking an extreme case, supposing the thing to become general, and that the proprietors were so small, as I feared they might become, throughout the country, I saw then no alternative except that the continental government system should be introduced, namely, the mayor and the prefects of a department in each district being supreme to see that the laws were carried out. Then no doubt the Government would probably be regarded as having that duty to perform, because they would be the universal creditors of the country if they lent the money to buy the fee-simple to any large extent.

893. Have you had any personal observation of the application of this authority being vested in mayors and prefects in France?—I have been there sometimes, and I was very much struck with the fact that the Government officials performed almost every duty which in England, and to some extent in Ireland, is done by the local authorities of the country.

894. What

Mr. Phibbs—continued.

884. What kind of duties do you refer to?—Seeing that the main laws of the country were carried out; the repair of hospitals, lunatic asylums and public roads, and the authorization of improvements, such as making new roads, and embanking rivers.

885. And the drainage?—Yes, when done on a large scale.

886. Then do you think, on the whole, that if loans are made by the State in the way which has been suggested to the Committee, they should be made subject to limitations?—My evidence from the beginning was in that direction, that I wish to see a larger number of proprietors of education, capital, and position in the country; and, if you cannot get them, a greater number of what I call respectable large farmers, also of education and capital, and of some public spirit. A limitation would naturally follow from that wish that if the Government were to make loans, they should not make them below a certain point, because you would not get the class of people whom I think desirable to secure the prosperity of the country.

887. Would you indicate at what point you would desire that the line of limitation should be drawn?—It is a very difficult question, because if you draw the line, as you naturally do, at 50 acres, which would be regarded as a small holding in most countries, it leaves only something like 100,000 holders of land out of the whole number.

888. Would you be disposed to go lower down in Ireland than a minimum holding of 50 acres?—I have not given consideration as to how far you might go; many think you might safely go to a holding of 30 acres. Very often a man paying 30 l. a year rent, occupying 30 acres of land, is as intelligent as other men.

889. Would you be disposed to fix the limit below 30 acres?—I would not like to go below 30 acres.

890. With regard to the security to the State for these loans, do you think that the security would be quite safe?—Of course it depends upon how much money is advanced. Under the Land Act the amount was two-thirds, and under the Church Act, three-fourths were advanced on the valuation. The valuation in the south is very much below the real value; and in the north it is 30 per cent. below the real value.

Chairman.

901. In the case of the Church Commissioners the advance was in the proportion of three-fourths upon the value of the property sold; do you consider that sufficient margin?—My answer would be that in an ordinary season, unless a succession of bad harvests came, the advance would be perfectly safe to the amount of three-fourths of the purchase-money.

902. Supposing there were a succession of bad seasons, do you think there would be any difficulty then?—I think what would happen would be that, in the first instance, the new owner would apply to some local money lender, and would borrow money, say at 10 per cent.; that would be a drawback for him, and if another bad season or two came he might be driven to sell. Then comes the question, what position the State, the universal creditor, would be in, having to come down upon this class of people

Chairman—continued.

and sell them up. No Government in Ireland is very popular which has to enforce the law, and it would be very unpopular for the Government to have to sell up any number of small owners for failure in paying their instalments. This last season was a very bad one; I know a large part of the mountainous country in Ulster where there will be very great difficulty in collecting the second half-year's rent, and I do not see how those tenants, if they had bought, would be in any better position to pay their instalments than they would be in if, as tenants, they had had to pay their rent. Then there is also a difficulty to which it is impossible to be blind, namely, that if it should unfortunately happen that the State had to realize the security, the neighbours of these people would not like to buy the farms of those who were sold up at the instigation of the Government for non-payment of instalments.

903. You are speaking now, are you not, of cases of forfeiture for breaches of conditions?—I am afraid that the people would not regard such a minute question as the question of what it was called; what they would say would be, "So-and-so was sold up for not paying his instalments, and sold up by the Government."

904. I suppose you appreciate the fact that, as years go on, the mortgage of the State will gradually be becoming less?—I think that is a very important element in the security. Then I would observe, also, that I have heard a good deal made, by the witnesses who have been examined before this Committee, of the fact that no instalment has so far fallen into arrear, but it is comparatively recently that these loans have been made, either under the Land Act or under the Church Act; and it is very seldom when a man borrows a sum of money that he neglects to pay the interest within the first year or two.

905. A very large amount of money has been advanced under the Church Act, has it not?—It has, but my experience is that in Ulster, where a very large portion of their property exists, the larger proportion has only been sold in the last two or three years; so recently that the tenants have not paid above two or three instalments.

Mr. Phibbs.

906. Have there been any bad seasons in Ireland during the last five or six years?—The last harvest was, I should say, one of the worst there has been for 15 or 16 years.

907. But I believe the effect of that has hardly been felt yet in the payment of rent?—Hardly, but it will be felt very much in the next six months.

908. Previously to that had the preceding harvests been good or bad?—I can only speak of my own neighbourhood; the preceding harvest, I should say, was not an average one, but the one before that was a very good one indeed.

909. Has there been a bad harvest since 1870, previous to the last two?—The last two were not up to the average, but the three preceding ones were good, decidedly.

910. Now to go to another point; you have heard a good deal of evidence as to improvements being made by tenants who have purchased their holdings under the Land Act and the Church Act; will you tell me your opinion upon that subject?—As I said before, I think so

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F. Hoggate,  
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short a time has elapsed since these sales under the Church Act, that there has been hardly time for any particular improvements to be made; but my experience is, that they have not been made to any extent; I was very much surprised last year to read the evidence that was given, I think, by Mr. Godley, with regard to the improvements which he had seen made in the county of Londonderry. Mr. Godley quotes eight cases as instances of great improvement, and I see those cases were cited by Mr. Gladstone in the speech he made in Dublin, alluding to the success of this measure, and the improvements that were made consequent upon it; therefore I took some trouble to look at these improvements, knowing some of the districts. In the evidence given before this Committee last year, Mr. Godley was asked, at Question 1487, by the honourable Chairman, "Can you give to the Committee any information as to the effect which this operation has had upon the new purchasers in the way of stimulating their industry?" and his answer is, "The Commissioners' valuator had his attention specially called to that matter, and he reports that he noticed many improvements in progress, some of which I will read to the Committee. He says, 'During my last two or three visits to the country, I have noted the following cases: 1. On land in suburbs of Derry, a row of 24 houses, almost completed, cost about 3,500 l., and excavations in progress for more buildings.' That is an exceptional case."

911. In what way is it an exceptional case?—It was in the neighbourhood of Derry. I supposed that these improvements were to be agricultural improvements, if they were to be taken as any instance of their beneficial effects upon the tenants generally; but this was in the neighbourhood of a town. Houses costing 3,500 l. you can hardly call an agricultural improvement. The next is "a good substantial shop on site of a ruinous old cabin." You can hardly call that an agricultural improvement. The next is "a good slated forge on site of ruinous thatched cabin;" that is an agricultural improvement, possibly. The next is "on a plot of 10 perches, purchased for about 20 l., three first-class cottages of hammered stone, brick jacks, roofed with excellent slate;" that is not an agricultural improvement, at any rate in proportion to any farm that could be connected with it. The next is No. 5, "On a plot of 2½ acres, purchased for 1947, an excellent dwelling-house, cost about 500 l.;" that is not an agricultural improvement. The next is No. 6, "A good brick dwelling-house on a small farm close of Lurgan." And then he is asked by Colonel Taylor, "Are those generally in the same district?" And his answer is, "I think these are principally in the north. No. 7 is, 10 acres in process of being thoroughly drained in first-class manner; 8. Two instances of laborious and expensive reclamation of barren mountain land, by drainage and removal of large boulders of granite." The last sentence is, "These cases go to show that the results of these sales has been that the tenants have improved their holdings largely." I should say that the explanation of it was that part of these glebes were in the neighbourhood of towns, that a small tenant got them very cheap and sold them to somebody else, probably a capitalist, who expended money upon them and built houses upon them.

Chairman.

912. What evidence is there that the tenant got them very cheap?—The prices are given at No. 4; the price is given there as 200 l., and there three first-class cottages of hammered stone were erected; in No. 5, an excellent dwelling-house, cost about 800 l.

913. I do not see why the land should not have been sold for its full value?—I am unable, of course, to say that that was not so.

Mr. Phinckel.

914. You would consider that such expensive buildings are not, properly speaking, agricultural improvements?—Quite so; I looked to see what evidence there was that any purchasers, such as small farmers, had made improvements suitable to their position in life and to the farms which they had bought; these all appear to me to be exceptional cases.

Chairman.

915. They are not all exceptional cases, because No. 3, you said yourself, was an agricultural improvement, and also Nos. 7 and 8?—With regard to the forge, some people would take exception to that.

916. But with regard to Nos. 7 and 8, you will admit that they are agricultural improvements?—They were undoubtedly agricultural improvements.

Mr. Phinckel.

917. These are not in your neighbourhood, I believe?—I do not know them personally, though I could find them out.

918. When you say you have looked at the improvements, do you mean to say you have looked at the improvements themselves or at the questions in the evidence?—I looked at the evidence; but I know one case, namely, the houses near Derry.

919. You have heard Mr. Murreugh O'Brien's evidence given before this Committee in regard to the improvements generally made by those tenant purchasers upon their holdings; did you hear the evidence he gave as to the four particular cases he selected?—I did not hear the evidence he gave on the previous occasion, when he produced some maps, but I have heard the evidence he has given to day.

920. But, speaking generally, so far as you have observed the effect of these sales, do you consider that the tenants who have purchased have shown a greater tendency to effect improvements upon their holdings than the ordinary tenants throughout the country?—No, I cannot say that I think so. I know a few cases of purchase myself, and I cannot see any difference; the holdings are so very small that it would be hardly worth a man's while upon two or three acres of land to build a house. I did communicate with one gentleman, a rector in the county of Londonderry, whose glebe had been sold to the tenants, and that was a very good instance of the effect of the Act. I think the whole of the glebe was between 300 and 400 acres; the average size of the tenancies that were bought was about 17 acres; they were bought very cheaply, as I am told, as compared with the value of the surrounding property, the valuation of the rent upon that property having been reduced by the rector very considerably at the time of the famine, and never having since been raised. Perhaps that was the basis on which the valuation

Mr. Plunket—continued.

was made; at all events, the tenants have all bought their holdings. The clergyman had consumed his interest some years ago; in fact, he was a gainer by the Church Act instead of a loser; and I asked him what his opinion was of the improvements that were made, and his opinion was very strong, indeed, that very little had been done; two-thirds of them had borrowed the fourth proportion at a considerable interest in their neighbourhood, and therefore to that extent the whole of the purchase-money had been borrowed, namely, three-fourths from the Government, and the other fourth from local people.

Chairman.

921. I think Mr. O'Brien made an exception as to those cases; he said that where they had borrowed the surplus money in order to buy their farms, they had not commenced making improvements, or would not do so until they had repaid the money?—In this case there were 34 tenants. This gentleman says 23 of them had to borrow, and some of the small holders on very hard terms, while three could not purchase at all; and on asking him what he thought of the effect of the transaction, he said, "It is too soon to form any opinion of what they would do."

922. The probable explanation given by Mr. Murrough O'Brien would be that, in the cases in which tenants borrowed the surplus money beyond that advanced by the Church Commissioners, they have not been able to make improvements because they have had to repay the purchase-money; do you think that may be the case?—That may be true, but I am afraid that the proportion of those who have to borrow has been very large indeed; and if the principle is extended it will be very much larger.

923. But I think Mr. Murrough O'Brien confined his examples of improvement to those cases where the tenants had either bought outright, or the money had been advanced by the Church Commissioners?—That may be so; I would like to read the concluding part of the letter I have received from this clergyman. "The want of restraint as to the subdivision of farms has also had a bad result. Irishmen will subdivide among their children, and it requires all the watchful care of the agent on any estate to hinder it even now; what will it be after 20 years on their own freehold?" I might say, speaking from my own observation in two or three cases, that one of the first things which has happened to these small ownerships which have been bought by the tenants has been the application for the house to be turned into a public-house; this clergyman states the same thing; he says, they have now two public-houses where they had none before, and, being a clergyman, he is very much opposed to that.

Mr. Plunket.

924. I believe in your part of the country you have been trying to reduce the number of public-houses?—We have very few, and almost everybody is in favour of having none.

925. Have you on your own property been applied to, to let plots upon which public-houses might be erected?—I have only one public-house on some extent of property, and I have not the smallest doubt that if a piece of land came in any way into the market which could be bought, and over which I could have no control, it would be turned into a site for a public-house to-morrow.

Chairman.

926. Still it would be competent for the magistrates to refuse a license, if they thought it was not wanted?—Quite so, the magistrates might refuse the license, but when the applicant for a license brings forward the fact that there is a very large tract of land over which there is no public-house, they generally grant the license.

Mr. Hygate.

927. They cannot refuse to grant an out-door license, can they?—I believe parties can get out-door licenses from the Excise, on application for them.

Mr. Plunket.

928. On the whole, are you in favour of the Government lending money to tenants to buy their lands, or are you in favour of putting restrictions on the privilege?—I certainly am opposed to it as a principle, unless some paramount necessity for the good of the State were made out; and I should not like to agree to it, unless some considerable experience had been obtained of the results of what has been already done, and unless a limitation were put upon the extent to which the power might be exercised.

929. I suppose the principal limitations you would suggest, would be in the direction of discouraging very small tenancies being turned into free-hold holdings, and also of taking all possible precautions against further subdivision and alienation of those small holdings?—Certainly. Moreover, I should prefer any person being the creditor of the farmer rather than the State being so; it might be turned to very awkward political purposes, as it has been when loans have been made for public purposes, such as bridges, and so on. In fact, going back to the famine and the loans made to the Unions, there was great pressure in many parts of the country put upon the Government to mitigate those loans, and ultimately to forgive them.

930. As I understand, the point of your last answer was, that you apprehended that there would be great pressure put upon the State, if it were to attempt to enforce forfeiture in the event of default in the payment of these loans, to induce them to forego and forgive them; and that if that request were not complied with, there would be great dissatisfaction and ill-feeling against the Government?—If we were so unfortunate as to have two or three bad harvests, and those properties were to be ultimately forfeited, I think it would be a very unfortunate thing if the Government were obliged to step in to enforce the security; it would be made a political question from one end of the country to the other. I am quite certain of that.

931. Then if it should not be deemed desirable to assist to any great extent in the creation of these very small ownerships of land, have you any suggestions to make to the Committee, of what you think will be most required to ameliorate the condition of these small holders?—Ireland has improved already enormously since the days of the famine; in fact, any statistics you look at will show you an immense improvement from year to year. One would naturally say you had better leave things alone; leave them to the natural laws of political economy; but I should like to see every possible restriction taken off the sale of land, and the sale facilitated in every possible way which was a natural way, the cost of transfer,

Mr.  
F. Hygate,  
Bart.  
4 March  
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Sir

F. Hoggate,  
Barr.4 March  
1878.

Mr. Phinck—continued.

for example, being reduced. I think if loans could be made to a landlord and tenants jointly, it might be advantageous. At present there are loans made for the erection of farmhouses and labourers' cottages; but with regard to loans for labourers' cottages, I think the restrictions might be very much relaxed; they amount at present, at any rate, almost to prohibition; the houses are obliged to be built of such a description that no possible return can accrue either to the landlord or to the tenant (supposing the tenant built them), from the nature of the house required to be built by the Board of Works, it being quite out of character with the condition of the country. The last witness stated how bad the condition of the houses was; in which I quite agree with him. If you could alter that by diminishing the restrictions or making loans to the owner and tenant jointly with proper restrictions, or even going as far as to make loans to the tenant alone, without the intervention of the landlord, under proper restrictions, I think it would be one of the greatest improvements which could be made in the country. I would also call the attention of the Committee to the great number of the population who are interested in this matter.

332. Do you think that fair improvements could be reached possibly by greater facilities being given for the small tenants acquiring their holdings, that is to say, are the labourers to whom you refer, as a rule, so much in want of improvement that their condition would be reached and dealt with by the proposal to enable small tenants to become owners?—At the present moment the Sanitary Acts put both landlord and tenant in a very extraordinary position in Ireland. If a labourer's cottage is in a very bad condition the board of guardians may summon, first the tenant and ultimately the owner, for having a house which is not fit for a human being to dwell in. The tenant under whom the labourer's house is held then says he cannot build anything better; he does not want the man there at all; he would rather pull the house down. Then, if the landlord has not the means to do it himself, if he borrows the money from the Board of Works, he must build the house actually better than that of

Mr. Phinck—continued.

the former upon whose land it is built, so that nothing is done.

333. The question I was asking, with regard to the special inquiry before this Committee, is, would you be in favour of converting the kind of occupying tenants which labourers are, into owners in fee-simple?—I do not see how you could possibly turn a labourer into a freeholder, except by making him a loan to buy the land; of course, if he had some money saved up himself he might buy one of these small farms if it was in the market.

334. You do not think that he would stand in such a relation to the house in which he lives, and whatever plot of land there may be about it, as that he feels entitled to become the owner under this scheme?—I have heard that matter discussed, and labourers saying that they did not see why they should not have as good a right to buy their cottage, which they hold under the occupying farmer, as the farmer had, at the expense of the Government; I think it is a rather difficult question to answer.

335. You would not be in favour of it?—No, being against the undue extension of very small holdings; if you go down as low as the labourers you would make it worse.

336. *A fortiori*, you would be against that proposal?—That would be worse still.

Sir Walter Bartlett.

337. Did you know Ireland before the period of the famine?—I knew it immediately afterwards, not exactly during the famine, but during the next year to it.

338. Were there many middlemen there at that time?—Not in the north of Ireland at all, they hardly existed in the north; I believe it was so in other places, but I cannot say that from my own knowledge.

339. You do not know at all whether the middlemen had sub-let the land to a very great extent in certain parts of Ireland?—I have only heard and read what evidence the honourable Member has heard and read about it. I have no doubt that it was the case in many parts of Ireland.



Thursday, 7th March 1878.

MEMBERS PRESENT:

Sir Walter Bartleet.  
Mr. Bruce.  
Viscount Crichton.  
Mr. Heygate.  
Mr. Shaw Lefevre.  
Sir John Leslie.

Sir Joseph McKenna.  
Mr. Melliss.  
Major Nolan.  
Mr. Plunket.  
Colonel Taylor.  
Mr. Verner.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Sir FREDERICK HETGATE, BART., called in; and further Examined.

Mr. Plunket.

940. I wish to ask you to explain the answers which you gave on the last day to the honourable Chairman, to Questions Nos. 888 and 890. You say, "I am sorry for the failure if it were anything that was brought forward for the good of the country;" and then you were asked, "Then you did not expect that they would succeed, and you are not sorry that they have not succeeded;" to which you replied, "I did not think that they would succeed;" now do you mean to say by that, that you do not regret the failure of this proposal?—No. I stated my opinion in answer to Question No. 889, that I "was sorry for the failure if it were anything that was brought forward for the good of the country." I distinctly am sorry for it; if it would have succeeded in a way which would have been for the good of the country, I should be very sorry indeed for any experiment to fail.

Chairman.

941. I do not quite understand whether you thought the proposal was good for the country or not?—I think the drift of my evidence throughout was to draw a line as to the size of these small holdings which it was desirable to encourage.

942. But the Act made no such distinction; and may we take it in this way, that so far as the Act did not make any distinction as between the different classes of tenant purchasers, you think it was not altogether an expedient one?—If the result would be to make very minute owners of the property, I do not think that would be for the good of the country, and therefore I would not wish to see it, but I should be sorry for any experiment to fail which would be for the good of the country; I think that my answer to Question 889 fully expressed my opinion; what I meant was that I had no prejudice against the scheme.

Mr. Plunket.

943. You do not think there is any political interest involved as between political parties in this question, do you?—No, I think there is no political question involved in the matter; in 051.

Mr. Plunket—continued.

Ireland, at present, the landlord has very little power, if any, over the tenants, and I think he would have just as much moral influence over small owners of property who were contiguous to him. As it is now, the political influence seems to be entirely in the hands of the tenants, and neither of the two other classes, that is to say, the landowners and the labourers, appear to be much considered.

944. So far as this proposal, if it were more largely carried out with success, would be likely to create a greater variety of interests in Ireland, would you be glad to see it succeed?—I think the want of greater variety of interests in Ireland is one of the great misfortunes of the state of things there; I should like to see a greater variety, certainly such as prevails even in the most agricultural countries in England in which there are not only tenants but representatives of every class of property, industry, and capital.

945. Have you seen any result of small ownerships in that part of the country where your property is situated?—In the county of Londonderry there are three very remarkable instances of these small ownerships or perpetuities; I am personally acquainted with two out of the three; one is very near me on the shore of Lough Foyle, where there are a number of small owners of perpetuities who have existed for a great number of years, and who are really in a state of great destitution.

Chairman.

946. Those are cases of perpetual leaseholds, are they not?—They are the same things as ownerships, they are perpetuities, or lands which were sold in perpetuity about 100 years ago.

947. Are they paying full rent?—No, they pay no rent at all, or if they pay anything they pay a very trifling head rent. There is another case at the back of the Fishmongers' Estate, upon a place called the Highlands; I should say that in both these cases the land is poor, especially in the latter case, and there are a number of small owners there who are notoriously about the worst cultivators, and in the greatest poverty of any in the country.

Sir  
F. Heygate,  
Bart.,  
7 March  
1878.

Sig  
F. Heygate,  
Bart.

Major Nolan.

Mr. Phibbet—continued.

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1873.

948. I should like to ask you what is about the size of these small properties?—They are about from five to ten acres, perhaps.

949. Do you mean statute acres?—Yes; then there is a very large case in the Vintners' property, which is one of the London companies; many years ago that estate was leased by the original lessees for ever in perpetuity, at a very small hand rent; in fact, so trifling, as to amount to a freshed, and that estate is a very considerable one. That system has gone on for years, and that very clergyman who wrote to me the other day, who had been curate of the adjoining diocese, reminded me of what is very notorious, namely, of the great privations which were endured by the people in that district at the famine time, owing to the sub-division of the property; I will not say that it was owing to their being small freeholders, but there was the fact that they did hold the land in perpetuity, and were in a miserable condition, and still remain very indifferent farmers indeed. If the Committee like, I can very easily get a statement of the date of the original lease from the London company, and how they dealt with the property; how it fell into the hands of perpetuity-holders, and what the average holding of the perpetuity-holders is now.

Chairman.

950. Will you be good enough to do so, and will you tell the Committee where the Vintners' property is situated?—That property is situated not far from a place called Mighemfild; it is called the Bellaghy estate, or "the Vintners' proposition."

Mr. Phibbet.

951. In these instances the results of small proprietorships was not a benefit?—It was notoriously the reverse.

952. Were you opposed to the proposal originally that the glebes should be sold to the tenants under the Church Act?—No; I think that when a large tract of land has been, I will not say confiscated, but at any rate diverted from its original purpose and had to be dealt with, you could not deal with it fairly in any other way than to offer the land to be bought by three tenants who were upon it, at fair terms, upon the same principle as was laid down in the Act when the title rent-charges were offered to the payors of the tithe rent-charge upon what were supposed to be advantageous principles; I think it would not have been fair to sell that property to anybody else.

953. Does the objection, which you state you have to Government loans of this kind for the purpose of the purchase of land, extend to loans by any public body out of their own funds?—No, not if the loans are properly granted; I think the experience of Prussia, where they have land banks and land debentures, rather shows that such a plan may be useful to the country, always assuming that the funds were administered by a body of trustees; that is to say, is not being the money belonging to the country; not a consolidated fund, but something on the principle of the Queen Anne's Bounty Fund, where the fund is administered by Commissioners under various conditions, and for various purposes, which would not involve the making of the State into the creditor of the people.

954. What was the nature of these land banks

in Prussia?—I am hardly qualified to enter into that question.

955. Do you agree with the statement which was made to us by a witness, Mr. O'Brien, who, in answer to Question 791, says, "The price of the tenant right was stated by a witness from the county Londonderry to be from 17 to 25 years' purchase; I noted all the cases of tenant right in the sales of Church property, and they amounted to 17 years' purchase upon the average;" does your experience agree with that estimate?—The latter part of this answer seems to contradict the first. Mr. O'Brien says, "I noted all the cases of tenant right in the sales of Church property, and they amounted to 17 years' purchase upon the average;" but I do not think there have been any sales of tenant right on the Church property there; but with regard to the main fact, I think I should be very much surprised if in the county of Londonderry the price was anything like 25 years' purchase upon the average. I should think that 15 years was much more like the average, or even less. I would say from 10 to 15 years was more like the average; but there might possibly have been a few cases at a higher figure.

956. Does the value of the tenant right depend upon the state of the buildings on the farm, or what does it depend on?—Neither the state of the farm buildings, nor even the existence of any farm buildings, nor the state of cultivation of the farm seems to make any difference in the value of tenant right.

957. Then what does the value of the tenant right depend upon?—It depends upon competition in most cases; that makes it very difficult to answer your question as to the average price of tenant right being from 17 to 25 years' purchase; because there can hardly be an average; it depends upon the accidental demand for land in a particular locality, and upon people having plenty of money in their locality and few farmers having come into the market; so that there is great competition for one. It appears to me that competition may run the thing up without any regard to value, to any extent.

958. You would say that the value of tenant right varies rather capriciously according to time and place?—Extremely so.

959. Do you think it would be necessary in any machinery for the sale of holdings to the occupying tenants upon an estate, to define carefully the rights of way and the easements generally?—I think great confusion is very likely to arise in the country, in fact must arise, if the rights of way are not well defined. Only the other day at Limerick, there was a case brought before the magistrates, and that not a single one arising upon that point; it arose, in fact, out of the sale of the large Waterford estate. There was a lime quarry at the end of a lane in which a number of tenants claimed an interest; one tenant shut up the lane and said, this lane belonged to his farm, and he would not allow any of the other tenants to go through this lane to get to the lime quarry; there were a number of summonses and cross summonses and there were lawyers engaged upon both sides, but the magistrates thought it was a question of title, which they could not go into, so I do not know how the question was settled, but a number of these cases are certain to arise.

960. And therefore you think, I suppose, that

Mr. Plunket—continued.

it would be desirable to define the rights of way as carefully as possible, or in some other way, to get rid of the danger of such contentions?—There is the difficulty on the one hand, that if you go into all these minute claims to rights of way and easements, you lead as has been stated, to very great expense and delay, but on the other hand, looking at the tenacious character of the Irish tenant especially in the north, who is not at all likely to give up anything, not a yard of land in fact, to which he thinks is entitled, if the rights of way are not defined, and if there is none of the superintending power of the landlord who could make it up, or who would say, "You must agree together, you must give in a little one to the other." I think, if these small tenants were all owners of their properties, it would end in a great deal of litigation.

Mr. Heggate.

961. Are you, as a landlord, occasionally called on to decide between contending tenants on subjects of dispute of this kind?—The question hardly arises on my estate; of course, one only deals with one's own property, and therefore as a landlord, I could only say that these claims for easements do not arise between tenants upon the same property.

962. Do you not find that questions do arise between tenant and tenant as to rights of way, which are brought to the landlord for adjudication, so to speak?—There are many complaints of one tenant against another, but the landlord can overrule those.

963. So that you do not think it would be safe to leave the matter without any arbiter?—It would be a very different thing when each man owned his own farm; it would be as important to him that the rights of way should be clearly defined as it would be to a large proprietor.

964. Has the value which tenant right fetches in the market, anything to do with the outlay of the outgoing tenant?—As I stated before, I think the condition of the farm has very little to do with the selling value of tenant right.

965. It is a mere question of competition, in your opinion?—Yes, as a usual thing; I do not mean to say that the value of the farm would be altogether left out, or that if there were a good house upon it, that would be altogether left out, but it would be a question principally between the tenants themselves, one bidding against the other to a great extent.

966. By whom are the improvements effected in your neighbourhood; are they effected by the landlord or the tenant, or by both?—It was the fashion to say that the tenants had done everything, but all that I can say is that a great part of the county of Derry is covered with good houses with slated roofs and fairly built, and if inquiry were made who paid for those slates and these buildings, I think in a great many instances you would find the landlord had paid; in fact, I know from my own experience that that is the case; there are landlords within my knowledge who pay for everything just like an English landlord would do; I know one landlord near Coleraine, who builds everything, just as English landlords do, but he allows no tenant right upon his estate. I know others who do a small amount of improvement; again, upon the Marquis of Waterford's estate there were no improvements made by the landlord, so that it is 0.51.

Mr. Heggate—continued.

excessively difficult to lay down any general rule. Then there are the estates of the London companies; I know that many of the London companies complained (and some of them have sold their properties in consequence of it) that the outlay on their estates was so great and so continuous that there was nothing left for them to receive; one company in particular sold their estate on that ground.

Chairman.

967. I suppose the cases of landlords in Ireland who do everything for their tenants upon the same principle as English landlords do, are very rare?—Such cases are very rare, but it has not been unfrequently the case that many have laid out a certain proportion of their rental in assisting their tenants, in giving them timber, slates, and so on.

Mr. Heggate.

968. Is it fair to estimate that the slates, at all events, are, as a rule, given by the landlords throughout your district?—I am speaking of the period before the passing of the Land Act. Since the passing of the Land Act many of the landlords seeing that there was no limit to tenant right, and that the whole value of the land beyond a certain rent was claimed by the tenants, have hesitated to go on with these improvements, and some have stopped them altogether.

969. But previously to that, was any large proportion of the slates, and so on, given by the landlords?—Any large slate merchant would tell you in a moment; if he were asked to look at his books he could point to the very large orders continuously year after year for slates, for tenants' houses, paid for by the landlord.

Mr. Bruen.

970. Before the passing of the Land Act, was it your experience in the part of Ireland with which you are best acquainted, that the improvements which were made were almost invariably assisted by the landlords?—Except upon some very large estates which I know of, they were almost always assisted by the landlord; that is to say, improvements of a certain sort, such as farm buildings, and drains, were very largely assisted. Many landlords, as honourable Members are aware, take up drainage loans, and in some cases they have made arrangements with the tenants that the tenants were to pay the interest of the loan, or the landlord and tenant jointly, or the landlord singly, to pay the whole interest of the loan.

971. Are you aware that before the passing of the Land Act there was no great inducement to a landlord to keep a very definite and distinct record of the sums which he laid out in assisting his tenants' improvements; do you not think it would be difficult upon most estates to present a clear and accurate return of the contributions which the landlord had made in those particulars, that is to say, for a considerable number of years before the passing of the Land Act, before the question was debated and brought to the notice of the landlords?—Probably that would rest very much with the agent; it would depend upon whether he had taken the trouble to keep the account separate or not; I know in my own case I kept a book and entered everything I did for the tenants, rather foreseeing that I should have to refer

Sir  
F. Heggate,  
Bart.  
7 March  
1876.

Sir  
F. Fitzgerald,  
Bart.  
7 March  
1878.

Mr. Bruce—continued.

refer to it; I could put my finger upon the cost of every slate which I have put on for 25 years, and of every drainage improvement that I carried out; but I do not think that that would commonly be done; I have very little doubt that three or four of the most improving London companies, if they chose to do it, could give you as a master of account what was laid out for improvements upon the tenants' holdings.

872. You spoke of some of the estates of the London companies having been assigned to the tenants on perpetuity leases?—I referred to the Vintners' Company's Estate where that had been done.

873. You spoke of another estate which you also knew?—I know two other tracts of land where the same has been done.

874. On these tracts of land and on this particular estate, is there very great evidence of a considerable improvement in the land?—On the contrary, they are about the worst cultivated lands in the country; notoriously so, they are a byword, in fact.

875. Have the tenants had this valuable interest in this land for any great length of time, that is to say, a sufficient length of time for them to make improvements if they had wished to do so?—They have so hold it, I should think, for between 60 and 100 years; certainly not less than 60, and perhaps it is nearer 100 years.

876. This proposition, which the Committee have specially to consider, that is to say, the assistance to be given to tenants to purchase the fee-simple of their holdings is an exceptional proposition, is it not?—I stated that; I say it is very exceptional.

877. It is justified upon the idea that it is good for the country and the community, that small proprietors should be established in Ireland, is not that so?—I hardly go so far as that; I think the idea was that it would be a good thing, as I have stated myself, to have more proprietors than exist now, and that this idea might be accomplished in this way; upon that point I drew the attention of the Committee to what I thought would be the consequences, namely, that you not be able to stop at any particular line; then you would get down to much more minute holders, and then to all the consequences which would follow from that.

878. Has it not been said that a great deal of the want of prosperity in Ireland is owing to the want of manufactures?—No doubt.

879. Supposing it was proved that the establishment of additional manufactures in Ireland would be a benefit to the country, would not the same principle of giving State aid be applicable to that?—It is very hard to draw the line when you come to deal with money which belongs to the State; how you are to refuse to lend to men engaged in any other business (for, after all, agriculture is a business) State aid at a low rate, is a difficult question altogether. And then there is a difficulty with regard to those small tenants, in drawing a line across a certain point, say at 10 or 15 acres; it is hard to see how you can refuse small holders a loan from the State out of what is in reality their own money, because every one has an interest in the credit of the State.

880. If it is a good thing for the country that an additional number of these small proprietors should be established in Ireland, I suppose it also

Mr. Bruce—continued.

follows that means should be taken that that number should not diminish?—I suppose so.

881. And that consequently no alienation of these small holdings should be permitted?—If that is possible.

882. The aim being to establish a greater number of small proprietors, I suppose that every step should be taken, as far as possible, to continue a state of things which should be good for the country?—Certainly.

883. Do you suppose that there would be a probability of the number of these small proprietors being diminished if alienation was permitted; that is to say, do you think there would be a danger of the re-absorption of the properties?—One very able correspondent of mine took exactly that view; he stated his opinion of the result to be, that at first there would be considerable subdivision, and in consequence of that a great deal of misery; that many of these small holders would be obliged to sell, and that there would be a good deal of political agitation; and then after that having been sold up, these minute properties would be re-absorbed by properties of moderate size, having undergone this period of crisis; that was merely the opinion which he expressed. I give no opinion of my own upon the subject.

884. We have the experience of England before us, in which the owners in fee of small properties have diminished in number very much within the last century?—Certainly.

885. That has been brought about by the agglomeration of these small properties into large ones?—The extremely high value of the land, and the low rate of interest which it pays, I think, accounts for men wishing to sell small properties in England.

886. As the value of land increased in Ireland would the same causes produce the same effects?—That is a very difficult question to answer; In England you have a competing interest within you; you have manufactures, whereas in Ireland you might have a high value of land and no manufactures.

887. But a high value of land is merely another word for a low rate of interest for the money invested in it, is it not?—Certainly a very high value of land would produce a low rate of interest, if you look only to interest; there might be advantages in other ways.

Major Nolan.

888. I think you stated, in answer to Question 879, that you expected that the immediate effect of establishing a large number of small proprietors would be good for the landowners?—Yes. I say that my answer to that question was, "The consequence of the Government advancing money to enable people to buy their freehold, taking landed proprietors first, would be to raise the value of land temporarily; there are a great many landed proprietors who would be very anxious to sell their land and leave the country, not caring what the result might be to the permanent interest of the country; but if you look to the permanent interest of the country, I think you must look at what the result would be to the owners of small holdings after the present generation has passed away; not only does the present proprietor gain by getting a higher value, but the present purchaser gains, because he becomes proprietor at little or no cost. But you must go to the

Major Nolan—continued.

the next generation after that, 20 years hence, to see what the result will be." I think that it would have the effect of raising the price of land to sell.

989. So that it would be good immediately pecuniarily for the proprietors?—I do not think it would be very good for those who remain. If my neighbour sold his property at a high rate, I should not like to be left next door.

990. Still it would not have the immediate effect of lowering the pecuniary value of the property?—I think not, for some time at any rate.

991. It would also be good for the tenants themselves, would it not, for some time?—For the present generation; that is to say, for the man who now holds as tenant, paying rent, and who finds himself under this scheme in the position of owner after a certain number of years, without having paid any money at all for it in fact, because the interest is very little more than the rent he pays at present; therefore he feels himself in a more independent position, and I have no doubt he feels himself better off; not that he has any more produce necessarily out of the land, or any more interest out of the land; but then you come, as I said before, to what happens when he dies.

992. The present tenant, you think, he would certainly have the right to sell, which he does not now possess.

993. Your only doubt about the effect of this system would be, its general effect upon the country, and the difficulty to which it might expose the State?—If the subdividers took place, of which I was afraid, the effect would be had in a short time, say 20 years or less, because I think you cannot rely upon the idea, that they will all wait until these instalments are paid off; if a man wanted to sell his property, he would pay off his mortgage to the Government, and subdivide the next day.

994. But you have no objection to it on the ground that it depreciates the value of the property, or that it injures the tenant?—I think I stated that it might make a temporary rise in the value of the landlord's property, and in the value of the tenant's property, but in the course of time I think they would all lose by it.

995. That points to the State being injured by the creation of a number of small proprietors?—Yes, by creating the system of agriculture which existed at the time of the famine.

996. I think you stated that the result of the French system was greatly to improve the agricultural value of the land?—I quoted statistics which were presented to the House of Parliament in 1869, and certainly it states there, that there had been a considerable increase in the amount of produce since the Revolution, in fact, that it had been doubled; but then I added, that before the Revolution the land was tied up in such a way that it was hardly fair to compare that with the present state of things.

997. The land having formerly been tied up by the feudal tenure?—Yes.

998. Would you consider that land in Ireland was tied up now by jointures and mortgages, and the extreme expense of selling small amounts of land?—I have no doubt that there is a large amount of jointures and mortgages, and settlements, and entailed property, but I do not think that affects the question particularly.

651.

Major Nolan—continued.

999. How do you mean that the French system affected the culture of the land except by tying it up?—It is a very large question to go into, but I need hardly say that the restrictions which prevailed on the cultivation in France before the Revolution were immense.

1000. In answer to Question 938, I think you stated that there was no precedent for the State advancing money to tenants to help them to buy up the property of their landlords?—I know of none.

1001. Do you know that by the law of 1861, in Russia, a similar system, almost entirely identical to that proposed under the Land Act, was established?—I am sorry to say that I have not read the Russian statistics.

1002. May I read a short extract from a statistical work on the tenure of land; referring to the Russian Act of 1861, it says, "Government has undertaken to assist the peasantry in purchasing the land by advancing, on the security of the 'obrok' collected by their agents, part of the necessary sum, amounting to four-fifths where the whole grant is purchased, and to three-quarters where a part of it of certain size is purchased, in form of bonds of the Imperial Bank, bearing five per cent. interest, or titles to rent guaranteed by Government, which afterwards are to be taken in exchange for such bonds of the bank. They are to be paid over at once to the proprietor of the estate or to his creditors. Only such peasants, of course, can receive the benefit of governmental assistance who have already turned the labour rent into 'obrok.' But Government, always in the interest of securing the existence of a numerous order of peasants, has placed another condition on their assistance; the purchase money is only advanced in behalf of such peasants as consent to purchase the dwelling-houses and farmyards with the land. This also will tend to lessen the number of cases, apprehended by the proprietors, of a part of the peasants in a village purchasing the houses and farmyards with the land and a part without it." Would you say, after that, that that was a similar case to what has been done under the Land Act in Ireland?—I presume that would be after the emancipation of the serfs.

1003. Would you say that the fact of Russia having assisted the operation by a precisely similar system of giving the money in a lump to the proprietor and changing it year after year to the tenant, would be a fair example for us to found our system upon?—I think the answer to that would depend upon whether you can find in the state of England and Ireland anything at all similar to the state of Russia before the emancipation of the serfs. Such an enormous change as that taking place might entail a corresponding difficulty upon the State. I cannot compare the state of England or Ireland with the condition of a country where that immense change has taken place.

1004. You referred just now to the question of the Land Banks or Dehture Banks established in Prussia; I think you will find the particulars on page 245 of the Reports of our Foreign Representatives for 1869, which you have already referred to?—What you have stated there is: "But before passing to the next part of the law it may, for greater clearness, be noticed that the payer of commutation, having no capital of his own to offer, would apply to the

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rent-charge bank. This institution would provide him with rent-charge debentures to the amount of 50 years' purchase for payment of his commutation. For these he would have to pay either  $4\frac{1}{2}$  per cent. (interest and sinking fund) for 50 years, or 5 per cent. for 41 years.

1005. Would you not say that that was a precisely similar proceeding to that established under the Land Act, except that the proportion advanced is four-fifths instead of two-thirds?—It is rather difficult to answer the question without seeing the context.

1006. Will you refer to this book (*leading a book to the Witness*); this book somewhat amplifies the points given in the Parliamentary Report?—The book you have handed me, namely, the Cobden Club Essays on the "Systems of Land Tenure in various Countries," says, "By a further provision these rent-charges were made compulsorily redeemable, either by the immediate payment of a capital equivalent to an 18 years' purchase of the rent-charge, or by a payment of  $4\frac{1}{2}$  or 5 per cent. for 50 years or 41 years, on a capital equivalent to 20 years' purchase of the rent-charge."

1007. Would you say that that was a system extremely similar to that which you find in the Land Act for purchasing the rights of proprietors for a lump sum, and making the tenant pay by instalments?—I can hardly answer the question, because a good deal of it would depend upon the fund from which the rent bank obtained its capital. If it obtained its capital by private subscription, that would be a different thing.

1008. I had better read the whole passage to you: "The legislation of 1850 was in the highest degree profuse; but we need only concern ourselves with the two great laws of the 2nd March. 1. The law for the redemption of services and dues, and the regulation of the relations between the lords of the manor and their peasants. 2. The law for the establishment of rent banks. The former of these laws abrogated the 'dominion directum,' or overlordship of the lords of the manor, without compensation; so that from the day of its publication all hereditary holders throughout the Prussian monarchy, irrespectively of the size of their holdings, became proprietors, subject, however, to the customary services and dues, which by the further provisions of the law were converted into fixed money rents, calculated on the average money value of the services and dues rendered and paid during a certain number of years preceding. By a further provision these rent-charges were made compulsorily redeemable, either by the immediate payment of a capital equivalent to an 18 years' purchase of the rent-charge, or by a payment of  $4\frac{1}{2}$  or 5 per cent. for 50 years or 41 years, on a capital equivalent to 20 years' purchase of the rent-charge. The law for the establishment of rent banks provided the machinery for this wholesale redemption. By it the State, through the instrumentality of the rent banks, constituted itself the broker between the peasants, by whom the rents had to be paid, and the landlords, who had to receive them. The bank is established in each district advanced to the latter in rent debentures, paying 4 per cent. interest, a capital sum equal to 20 years' purchase of the rent. The peasant, along with his ordinary rates and taxes, paid into the hands of the district tax collector each month 1-12th part of a rent calcu-

Major Nolan—continued.

lated at 5 or  $4\frac{1}{2}$  per cent. on this capital sum, according as he elected to free his property from encumbrance in 41 years or 50 years, the respective terms within which at compound interest the 1 or the  $\frac{1}{2}$  per cent. paid in addition to the 4 per cent. interest on the debenture, would extinguish the capital?"—That relates to Prussia, whereas I confined my evidence principally to France, Belgium, and Holland.

Chairman.

1009. But your answer is this: "I may say besides that, that I have taken the trouble for some time past to read up books relating to the tenure of land in Europe, and I can find no country in which the State lends money at all to tenants for the purpose of buying the freehold?"—I am still of the same opinion about Prussia, that the Government do not contribute money to that country to buy land.

1010. This report is by Mons. Merier; would you say that there is any great distinction between the State itself advancing money in Ireland, and the State in another country establishing rent banks, which do the same thing?—I think there is a clear distinction between the State doing it directly and indirectly, but I am not convinced that the rent banks derive their funds from the State; but as regards Russia, I wish to say that I excluded Russia from my consideration, and in regard to Prussia, I observed, on reading over the reports, that this state of things did not exist now, but that it had existed.

Major Nolan.

1011. Does not this establishment of rent banks refer to the legislation of 1850?—In those returns about Prussia, there is a good deal about the rent banks and the system of land debentures, and the report speaks of it as a thing that had done a great deal of good.

Chairman.

1012. I think I read that the operation is nearly complete, but that it was effected in 1850, and extended over a considerable number of years, and I think, if you look through recent reports, you will find the operation almost complete; so far as it goes, it is an argument in favour of State intervention for the purchase of small properties, is it not?—If the State had advanced the money to these rent banks, I still think that there is a great distinction between the advance being made in that way and being made directly by the State. I think still that I am right in drawing the inference that that system was not going on in Prussia at the time I spoke of.

Major Nolan.

1013. But still it would have been done not very long previously, that is to say, in 1850?—I still am unaware where the rent banks got the money from.

1014. You say that it was done in Russia in 1861, and in Prussia in 1850, by money from the rent banks, if not directly from the State?—It was done through the rent bank, but where the rent bank got the money from I cannot say.

1015. Now, leaving those countries, you say that you have chiefly paid attention to the system pursued in France, in Belgium, and Holland; was not it the case in France, and to a lesser extent

## Major Notes—continued.

sent in Belgium, that after the Revolution there were comparatively few tenants left; that the Revolution changed France into a nation of proprietors?—That was so.

1016. So that there was no great object in the State establishing small proprietors?—That was so.

1017. You stated that there were 257,000 small tenants in Ireland holding under 15 acres; if the large farms, which you spoke of in answer to Questions 830 and 831, were established in Ireland, what would become of these smaller tenancies; would they remain small tenancies, or would they gradually give way to moderate sized farms, which you said would be the best condition of things?—That is a very difficult question to answer; it depends upon so many things; it depends upon the continuance of good harvests, among other things, and employment for labour in other ways, to assist the small farmers. A man who farmed two or three acres of land could get regular employment, and do something else as well; for instance, if he were near a seaport, he or his family could earn their living as sailors, and that would contribute very much to their continuing in the small farm, so could.

1018. If there are great difficulties at the present moment in turning these small tenants into proprietors, are there not also great difficulties in leaving them as they are?—I hardly understand the drift of the question. Does the honourable Member mean that they are very badly off at present?

1019. I did not mean that so much; I think you suggested, in one of your answers, that there was a fear of social difficulties in Ireland arising from the establishment of a great number of small proprietors; would there not, on the other hand, be great social difficulties left by the retention of the present state of things?—I proceeded upon the assumption that, to obtain a large number of small proprietors, you would break up the present estates, and the present machinery. On estates, for instance, at present, there is generally an agent and a resident landlord; they would be gone, and these small proprietors would be in the place of that agent and landlord. Then comes the question, have you got people of the class to perform the social duties of the country; my opinion referred to that.

1020. You referred to the question of the payment of these annuities, and you seemed to fear that those payments would be repudiated on a large scale at some time or another, if the State advanced the money?—I did not say "repudiated;" I should be very sorry to use that word.

1021. You did not use that word, but I gathered that to be your meaning?—I think the people are very honest, especially in the part of the country with which I am best acquainted. I think they would never repudiate their liabilities. I merely suggested that bad harvests would put them in a position in which they could not pay the instalments, and then what are you to do.

1022. But would not a succession of good harvests enable them to pay up the arrears of instalments afterwards?—No doubt it would contribute to that effect, but that involves the condition that the State is at once to postpone the payment of 0.51.

## Major Notes—continued.

these instalments, which is a very awkward thing to admit. Speaking as a landlord, I know that when once you permit a man to go one year into arrears upon these small holdings, it is very seldom he gets out of difficulty. The kindest plan which a landlord can pursue with small holders is to be very strict with them, and not allow them to go back.

1023. In bad seasons, with bad harvests, is a landlord generally able to get his rent?—Not altogether, I am afraid.

1024. You referred to the case of the famine loans as a case in which the people, after obtaining the money, were anxious to diminish the payment of the loans, and eventually to get them wiped out altogether; let me refer you to your answer to Question 929; you stated there, "In fact, going back to the famine, and the loans made to the unions, there was great pressure in many parts of the country put upon the Government to mitigate those loans, and ultimately to forgive them?"—I think any one connected with Parliament for the last 30 years must have known many instances in which large loans from the Consolidated Fund for public works in Ireland have either been reduced or even forgiven, to a great extent. I will mention one at this moment, out of which there is considerable discontent arising; it is the drainage of Lough Neagh, in the County Antrim. There was a great deal of money advanced upon that, but it was anticipated that it would produce a great improvement in the district. I suppose, however, that those anticipations were not realised, and the consequence was that very great complaints were made that the money was entirely thrown away; at least I know that some memorials were sent to the Government asking that the weirs and the locks which were necessary for the navigation might be abandoned, in which case, I suppose, the large sum of money laid out for the purpose would have been almost entirely thrown away; and not long ago I saw that the answer which they received from the Government was that they were to keep up those locks and weirs and to maintain them in good order.

1025. Where loans have been made for building or drainage, where real improvements have been made, and fair value has been obtained, are not those loans, as a general rule, repaid punctually?—Certainly, as a rule, I think they have been.

1026. Were not there certain exceptions about the famine loans; were not the famine loans spent in works which had very little real value whatever?—I think there was a great deal spent in that way. I suppose the soundness of the famine prevented proper inquiry being made, but in the north of Ireland I believe the whole of the money was paid. I know that the union to which I belonged paid the whole of their proportion, and it was felt to be a grievance that having paid their part of the whole the rest of Ireland was forgiven.

1027. You gave the Committee some instances of small districts in the north of Ireland in which you considered the small proprietors had not done well; is not there a difference between an isolated district having a state of property different from that in the rest of the country, and a whole country, as in the case of France, establishing upon a large scale a system of small proprietorships?—I do not think those circumstances would

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affect the cultivation, or that there are different circumstances in the two cases which would make that difference.

1028. I think you stated that if there were small proprietors all over the country you would have to change the machinery of the Government, and to have mayors and prefects as in France; would not the fact of importing State machinery for small proprietors not injuriously upon the people generally?—I think it is a most unfortunate thing to see Government centralised; I like to see as much local self-government as possible.

1029. But that system of government would not be necessary if there were not these small proprietors spread all over the country?—My answer was that if those anticipations I had formed of the small proprietors were largely justified, you would not have the class of people to perform the social duties of the State, and, therefore, you must depend upon the State exercising much more minute surveillance than it does now.

1030. But that supervision by the State would not require to be exercised when there was only an isolated district which had small proprietors?—This is, of course, all a question of degree; if it was only tried in small experiments here and there, that answer would not apply to the same extent.

1031. Is not the state of the law such as at present to make it difficult for small proprietors to establish their rights one against the other; is not the law expensive for a man of small property to put in action, in contesting a right of way, for example?—All small lawsuits are, of course, proportionately more expensive than large ones; that is to say, it would probably cost as much to establish a right of way which is worth 10 l. as it would to establish a right of way which is worth 1,000 l.

1032. Have they not made arrangements for that in countries, like France, where there are small proprietorships?—I certainly do not remember reading any account which stated that that was so.

1033. I think that you agreed so far with the last Witness, Mr. O'Brien, as to say, you would be in favour of cheapening the transfer of land?—Certainly; I think anything which cheapens the transfer of land in any country is an advantage.

1034. Do you think it would be an advantage in Ireland if the transfer of land were cheapened in the proportion, as he put it, from 18 l. to 2 l.?—Yes, if proper precautions were taken that you had a satisfactory title; the transfer of land might be so cheapened that difficulties and disputes might arise afterwards from improper descriptions, but if the lands were properly described, and proper precautions taken, the cheaper you could make it the better.

1035. Do you think it should be the object of the State to try and facilitate and cheapen the land in Ireland?—I should like to see that done, certainly.

1036. Do you think it would be practicable to do so?—That is more a question for a lawyer to answer than for myself; I am unable to answer it; legal difficulties would have to be surmounted, upon which I should prefer not to give an opinion.

Mr. Melton.

1037. In reading over your evidence, I think you stated there was an absence of a middle class in Ireland; that is rather an ambiguous term; I would ask what you mean by the middle class in Ireland?—The middle class in any country, I think, consists of that class which is between the large proprietary class and the small or labourers' class, whether that class consists of moderate owners, or holders of property, or manufacturers, or people living upon realised capital; those would be all educated people; I include shopkeepers, doctors, &c., in turn.

1038. Then assuming that that is your meaning, is it the fact that there is an absence of a middle class in Ireland, seeing that there are medical men, professional men, shopkeepers, and all the operatives in Ireland, who may be said to belong to the middle class?—I think as compared with England, Ireland is undoubtedly without these middle classes.

1039. Have we not a much larger proportion of middle classes than of upper classes in Ireland?—No, I should say that it was exactly the contrary; that there are very few of the middle class.

1040. Is it not the fact that most of the landowners in Ireland are absentees, and that that is the class we want in Ireland?—I say they are not most of them absentees in the north of Ireland; if you take the statistics of both countries, anybody may work it out for himself, you will find there is an enormous preponderance of the classes of small farmers and labourers, and that the classes above those are moderate in number; far too few, I think.

1041. You mean moderate in number as compared with the number of these classes in England?—Certainly.

1042. I understand that you object to small farmers holding up to 15 or 20 acres of land?—I said that I feared the consequences of enabling these men to become owners of their farms; I do not object to them, on the contrary, I should like to see them succeed; they are very respectable people.

1043. As the system exists at present, are you in favour of the holders of small farms?—There is a process going on in the north of Ireland, which shows you what takes place, namely, that year by year, after every bad harvest, a number of these small farmers fall into difficulties, and are absorbed by the large farmers, who buy them out, who buy the tenant-right; that shows that the small farmers are not a prosperous class as compared with the large farmers.

1044. Prosperity is a comparative term, but do you approve of the small farmers being amalgamated with the large farmers?—I regret it exceedingly; very often these very small farmers, who are very honest and industrious men, seem to have failed from force of circumstances, and I should be very sorry to see them absorbed into the larger class.

1045. Do you think that the land question is in a satisfactory state in Ireland at the present time, taking the whole system?—That is a political question to which, I think, I can only give a political answer, and I think I had better not do so.

1046. I did not wish to touch upon the political aspect of the question, but rather upon the economical aspect of the question; do you consider that the land system in Ireland is working satisfactorily



Mr. Melton—continued.

satisfactorily for the benefit of all classes?—It must naturally work very slowly, and its working is naturally very much retarded by the proposals of all kinds which are constantly being made, which have the effect of diverting people's attention to other possible results; but no one can possibly doubt the great advance which has been made in the last 20 years.

1047. Do you think that the present state of things is unsatisfactory to the country?—I think it is unsatisfactory to the landlords who are constantly told that they are going to be driven out of the country, because it deters them from making improvements which they would otherwise wish to make.

1048. I would ask you again, do you think that the land system works satisfactorily in Ireland at the present time?—May I ask if you mean with regard to the cultivation of produce?

1049. I mean taking into consideration the relations between landlord and tenant, and the general benefit of the people who are connected with agriculture; is the land system in a satisfactory state or not?—I do not think it ever will be in a satisfactory state in Ireland as long as constant theories of all sorts are held out for change; change is the worst thing connected with agriculture in the world; for agriculture to succeed you must go on in a steady process for a good many years.

1050. Not taking into account any proposed change, is the system working satisfactorily in Ireland at present?—I think it was working, a few years ago, as satisfactorily as it could work.

1051. I should be glad if you would give me an answer one way or the other; I asked you, without having regard to any proposed change, do you consider the land system working satisfactorily in Ireland?—The first question I think I answered at the very beginning of my evidence on the last session. If the honourable Member will look at my evidence he will find that it was almost one of the first questions I was asked. At Question 829 you will find this: I was asked, "Do you consider that a satisfactory state of things in a social, economical and political point of view?"—(A). No, I do not think so; I think it is a weakness of the country, and a weakness which it may be very difficult to find any mode of escape from in the absence of manufacturers and capitalists residing in the country, and in the absence of any number of large farmers and men of that class of education and capital." That was the very question.

1052. Then you do not think the system is in a satisfactory state?—I do not think the agricultural condition of Ireland is in as good a condition as I would like to see it.

1053. Do you think the weakness of the system is the existence of very small farms?—Yes, I have stated that if they are subdivided to too great an extent they will come back to the state which caused the famine.

1054. Do you think that the existence of very small farms is one of the weaknesses of the present system?—Decidedly. The small farmer is the victim of the seasons more than anybody else.

1055. I ask you again, is it the existence of small farms which is one of the evils of the system?—The existence of too small farmers is one of the evils of the system.

1056. What would you call too small farmers?—I have already stated that; there is no hesitation.

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tion on my part to answer the honourable Member's question, because I stated that I would look upon holders of from five acres up to 15 as small farmers, but it depends also very much upon the quality of the soil, and the nature of the people who cultivate it.

1057. Generally speaking, would you consider farms of 15 acres too small, and so small that they ought not to be continued?—I do not say that they should not be continued, but the question also went to whether they should be increased.

1058. I am not asking that?—I would not disturb the small farmer if he could pay his way.

1059. Do you think that the holders of small farms are one of the evils of the system?—With regard to 15-acre farms, it depends upon the quality of the land, the contiguity to the market, and the industry of the man; but I likewise consider that farms of 5, 10, and 15 acres are a weakness to the country, though I would never disturb the system as long as it goes on naturally.

Mr. Horan.

1060. Would you consider the existence of the farms you are speaking of, in a perpendicular degree, a source of weakness to the country?—Certainly.

1061. But not if they existed in a small number?—Certainly not; I like to see a variety of farms.

Mr. Melton.

1062. I confine myself to the existing state of facts; you seem to have an intimate knowledge of these farms, and I ask you whether you consider the existence of the present small holdings an evil in the system?—Not if they can pay their way.

1063. Then it depends upon whether they can pay their rent or not?—It depends, I say, upon whether they can pay their way; not only their rent.

1064. Assuming that in any new state of affairs it was deemed advisable that these small farms should be diminished, how would you provide for the maintenance and support of the present holders of these farms?—I never stated that they ought to be diminished; I stated that it might be a different thing to increase them, that it might be a rash and disadvantageous thing; I would leave it to the ordinary natural laws of the country, that is to say, to the question of good harvests and bad harvests.

1065. Is it not the fact that in Ireland many holders of small farms are employed as labourers by the large landowners and large farmers?—Yes, many of them.

1066. Do not you consider it a satisfactory system that a man, having a small farm, can occupy himself upon it for a portion of his time, and that he can be employed by the larger farmers for the other portion of his time?—Certainly; if there is enough demand for his labour.

1067. Is it not the fact, that owing to the absorption of the small farms at the present time, a great number of farms have been turned into grass farms?—Not in the north at all.

1068. Do you say it is not so in the south?—I do not know much about the south.

1069. May I take it that in all your evidence you

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you speak of the north?—Yes, as regards cultivation.

1070. If the absorption or enlargement of farms would have the effect of turning the present cultivated land into grass farms, do you think that would be beneficial?—I am always sorry to see the population of any country diminished when it is well employed.

1071. I am not speaking of the diminution of the population, but would you approve of small farms being swallowed up now for the purpose of making grass farms?—No, I would not.

1072. The effect of that would be to lessen the demand for labour and encourage emigration?—I could not say that.

1073. It would tend to emigration, and that would be an undesirable thing, would it not?—I think emigration from the north of Ireland has gone far enough now.

1074. Then you think if the tendency of the present system be the absorption of the small farms, you would prefer that these small farmers should still be permitted to exist?—Yes, certainly.

1075. You stated that you objected to the State assisting these small farmers to purchase their holdings?—I did not say it was objectionable. I merely pointed out the danger which might arise from so doing.

1076. Would you consider it objectionable?—I say I consider it dangerous.

1077. Is not that which is dangerous objectionable?—Not necessarily; every new thing is more or less dangerous.

1078. Everything which is dangerous must be objectionable; would you object to the State assisting the small farmers to purchase their holdings?—Certainly, because I have stated what I think will be the result of so doing, namely, that it would not be for the benefit of any class in the country, or for the benefit of the people themselves.

1079. Would you think it dangerous for small holders to purchase their holdings without the assistance of the State?—Certainly not.

1080. Or if a small farmer was able to borrow money at a high rate of interest to buy his farm, that would not be so dangerous as the system of the State advancing money?—He would do so at his own risk, and on the natural law of supply and demand, with which I would not wish to interfere.

1081. Would not the result of State assistance be this, that a man would be able to employ part of his capital in purchasing his holding, and to employ the other part of his capital in improving his holding?—It would depend upon how much capital he had, but if he had the money, no matter how he obtained it, I should not object to it.

1082. I understood you to say that one of the objections to the State supplying the money would be that it would lead to the cultivation of that precarious crop, the potato?—I stated that it would lead, in my opinion, to subdivision, the result of which would be the preponderating cultivation of the potato.

1083. Is not it the fact that since the famine the potato crop has ceased to be cultivated to the same extent as before, because it has ceased to be a profitable crop?—On the contrary, I think it is the most profitable crop that can be grown by large farmers. The large farmers in Lan-

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cashire and Yorkshire find it to be so; but, nevertheless, it is a most precarious crop. There are many farmers in Lancashire, near Morecambe, this year, who have lost immense sums by growing potatoes.

1084. I see you refer to the fact that even upon your own estate the proportion on which there are any public houses are booming rather scarce?—There are very few in any part of the country.

1085. May I ask you whether there is any strong feeling of discontent upon the diminution of public houses?—I believe, on the contrary, that I was almost the only person in my parish who did not sign the petition to the House of Commons on behalf of the Sunday Closing Bill.

1086. Was there any discontent expressed at the number of public houses being diminished?—No, there has been no alteration for years in the number of public houses at all; there are very few in the country districts.

1087. At the time these public houses were diminished was there any feeling of discontent at the reduction?—No; I have heard none.

1088. You referred to some holders of estates in perpetuity, on Lough Foyle, and I think you said they were held under one of the public companies. May I ask do you ascribe the poverty among the holders of those to the fact that they held those farms in perpetuity; is that the inference you wished the Committee to draw?—When you find the only instances that you know of in a district producing that result, or showing that result, on the face of them, you are obliged to come to the conclusion that the holding in fee of those properties has not conduced to industry.

1089. Do you wish to convey to the Committee that, in your opinion, the holding in perpetuity has caused that poverty, as a matter of fact?—I believe that is the general opinion of the country; there may be many reasons for the result, as I said before; but the fact of their having the property in perpetuity has not led to the industry which you would have supposed it would have done.

1090. Then to sum up your evidence on this point, as given to the Committee, I understand you to say that you would not object to small farmers purchasing their holdings if they could do it without the state assisting them?—Quite so.

Sir Joseph M<sup>r</sup> Kenny.

1091. I would ask you a few questions, first, with regard to Mr. Vernon's scheme. I think you are tolerably familiar with that scheme now?—I read Mr. Vernon's evidence. I think the scheme which you allude to consisted in whole properties being bought by the Commissioners, an arrangement having been made either before or after with the tenants upon the estate to purchase their holdings, receiving a loan from the State.

1092. Quite so; now, assuming that we could confine the operations of the scheme proposed by Mr. Vernon, so as not to transfer any farm of a less annual value than 25*l*. or 30*l*., would you see any objection to the scheme?—A limitation, of course, would to a great extent meet my objections to that scheme.

1093. Would you think that the objection to the sale to smaller holders than from 20 to 30 acres would be removed if we could get over the danger

Sir Joseph M. Keenan—continued.

danger of further subdivision?—To a great extent I think it would.

1094. I will just ask you this other question on that point: have you any reason to believe that there would be a danger to the fund operated upon by such a Commission as that recommended by Mr. Vernon?—I did not, in the first instance, some years ago, when this scheme was first proposed, ever dream that there would be any danger to the fund, nor do I think there will be much now; but, as I said just now, a seriously bad harvest might lead to the non-payment of the instalments, and then comes the difficulty (the State being the creditor) of the State having to enforce the security.

1095. I quite agree that that is an objection, as far as it goes; but you have no reason to believe that, on the whole, there would be danger to the fund if it were used for the purposes recommended by Mr. Vernon?—It is a question of how large a proportion of the fund would be gone in the first instance.

1096. It would be possible to require the purchaser to produce a margin which would render the transaction commercially safe, would it not?—A private individual making a loan, or even a public body making a loan of their own money upon security, would be practically, I should say, perfectly safe, because I think the property is worth more than the money which is lent, and that the people mean to pay; but when you come to put the Government in the position of being the creditor, although perhaps they might be secure, yet they might not like to enforce their security.

1097. Now, was I right in assuming that your objections to Mr. Vernon's scheme take the form of fears that it would not work out as satisfactorily, socially, as Mr. Vernon expected it would?—I do not think Mr. Vernon went at all into the question of subdivision; he seemed to think that was out of the question. I do not think he followed out (at least I did not see it in his evidence), any consequences that would arise from that in the way of alienation; therefore, I have gone into a different part of the scheme from that which he has done.

Sir Walter Bartlett.

1098. I think you have broadly laid it down that your great fear in any of these schemes which might be carried out with regard to selling land to tenants is, that in the future great subdivision might take place?—Yes, I am afraid so.

1099. Looking to the past history of Ireland, have you any reason to doubt, if a man absolutely became possessed of 50 acres of land, that, when he died, that land being absolutely his own property, he would subdivide it amongst his children?—Fifty acres of land in Ireland is so valuable, it would be worth so much money in proportion to the property possessed by the surrounding tenants, that it would be considered very unjust to leave it all to one son, and then, if he did not leave it all to one son, the farm must either be subdivided or else the one son must hold it under great obligations to the rest of the family; in fact, he would be a mortgaged proprietor, deeply dipped.

1100. So that, if he did not subdivide it himself, it would be worse than if it were subdivided, because it would greatly hamper the

Sir Walter Bartlett—continued.

man who was cultivating the farm?—I am afraid it would come to that.

1101. Looking back for a moment, as I think you can do, to the time of the famine in Ireland, and remembering the condition of Ireland at that time, and looking at the condition of Ireland at the present time, would you not say that there has been an enormous increase of prosperity in Ireland since that time?—There has been an immense improvement.

1102. Should you not say, looking to Ireland at the present time, and looking to what it was then, that the land is very much better cultivated now than it was then?—I can only speak of the north, which I know most of, and undoubtedly the cultivation is marvellously improved there.

Mr. Milten.

1103. I thought you stated that you were not in Ireland during the famine?—My connection with Ireland began about three years after the famine; I did not see the actual famine, but I saw much of the consequences of the famine.

Sir Walter Bartlett.

1104. Was not it the fact, so far as you have learned (and I presume you would know, seeing that it has become, I may almost say, your own country now), that the land was enormously subdivided before the famine?—Parts of it were, undoubtedly; it must have been much more subdivided than it is now by the great falling off in the number of small tenants' holdings which the statistics will show you took place.

1105. Did not the famine mainly arise from that enormous amount of subdivision, and the consequent growing of the potato crop?—I must now go back to what I have read; certainly, by all accounts there was an enormous cultivation of potatoes, but that was because it was the most profitable crop, I suppose, and because it produced the greatest bulk of food. There were one or two years in which there was not quite a famine, but in which there was a very severe warning in the partial failure of the crop before the bad year came which was so disastrous.

1106. Your great fear is this: that supposing a very large class of small tenant proprietors are created, the same state of things may again occur from the subdivision of the land?—I have endeavoured to see how that could be avoided, but still I think it would occur to a certain extent, though not to the same extent, because as I said before, the population is very largely reduced; and moreover, in the north of Ireland especially, there is a considerable admixture of manufactures; and more than either, there is so much communication between one district and another, between Ireland and Scotland, and Ireland and England, and between one part of Ireland and another, that the population could go more easily into those parts where employment was to be found. There is also another point which I should like to mention, namely, that I do not think the people would remain in the country as they formerly did, because the rising generation will not submit to such poor food and living as the former generation did.

1107. Then, in fact, you think that if it did come to that, that the holdings were very small, and, as you naturally say, food very poor, there will be again a large emigration of people?—I think

Sir  
N. Hayslett,  
Bart.  
7 March  
1872.

Sir  
F. Rogers,  
Bart.

Sir Walter Bartlett—continued.

Sir Walter Bartlett—continued.

think that will be one of the inevitable consequences.

1108. Then, putting it broadly, you are very anxious, if it were possible, as I gather from your evidence, that the small class of proprietors should be established, provided they were solvent, and their farms were likely to rest in about the same condition as they are at the present moment?—Certainly; I think it would be very advantageous to the tenants if that were done.

1109. And for that object I think you would see no objection to the Government lending some amount of money for the purpose of enabling them to purchase their holdings?—I do not like the idea of the Government being the creditor; if the people could borrow upon the security of their property by fair means, I would rather leave them to the natural operation of things than leave them always looking to the Government.

1110. I think it fair to point out, that at present the Government is pledged to lend the money?—Under the Bright's Clauses there was a million of money set apart directly from the Consolidated Fund for the purpose of being lent.

1111. The main question is, whether means might be taken for lending that money upon easier terms? I have stated my conditions already.

1112. But I mean, supposing there were people who, it was a great benefit to the State, should have farms of their own, I would ask whether you think it desirable, under certain restrictions, that more easy and more favourable terms should be granted to them?—I dislike exceedingly the Government doing everything for the people. Even although it were a great advantage for them, yet it is a great mistake to teach the people to look to the Government, because if they look to Government for the advantages, they will blame the Government for its success if there is any failure.

1113. Then, looking broadly at the matter, you would not be in favour of any increased facilities being given by the Government for the purchase of land?—That is a difficult question to answer, but my answer to it, I think, would be this, that the experiment has been tried upon a small scale, and that it is being tried upon a larger scale, but that not sufficient time had elapsed to enable you to see the consequences; and if those consequences did not turn out as I feared, no one would be more glad than I should be to say that I had been wrong; but I think that you have not yet had time to see the result, especially the sales of the glebes.

1114. Then your opinion is this, that this is a premature investigation, and that we ought to have left things alone, as was decided by the Act of 1870, until we have had a better opportunity of judging how that Act will work in all its details?—It is stated that the Bright Clauses of the Land Act have acted to a very small extent, and that that has been supplemented to a much larger extent by the sale of the glebes which are not yet completed. When you go to any length in such an experiment as this, I think you ought to give time and make very efficient inquiry; I would not take the evidence of one or two individuals, but I would like to know the result of sales to tenants after four or five years had passed.

1115. Would you be in favour of appointing a roving commission which should go through the

country, and see what has been the effect of these sales, and the present condition of the people who would be likely to wish to purchase under the Act?—I would get the best information I could from people of position, who were interested in the experiment, and people who were likely to know the facts in different parts of the country. Then, also, you would have time to see whether those instalments were regularly paid after an indifferent harvest or two had tried the paying capacities of the tenants. It is perfectly useless, in my mind, to quote to me the fact that the instalments have been paid for one or two years; of course they would pay the instalments for one or two years; a man does not default the first year he borrows money at mortgage.

1116. Your decided opinion is, that the small farmer (and we must of course look to the small farmer purchasing, as well as to the large farmer) may have two or three bad years, and be hopelessly in arrears, and not able to recover?—Many would, no doubt, but some are very industrious and persevering, and might manage to tide over a bad time.

1117. A great deal has been said about small proprietors abroad; I want to know whether you have carefully considered the question of the production of those countries as regards crops, butting in by England?—It is very difficult to get any statistics on that point.

1118. Have you seen Mr. Caird's book?—No, I have not.

1119. You do not know that the produce in England, with a worse climate, is very much larger per acre than it is in France?—I quite believe it to be true, except in exceptional parts of France, such as the Riviera.

1120. I would say, taking the whole of France and comparing it with England?—I could not give an opinion upon that subject; but, as I say, I can quite believe it.

1121. You know many of the large estates in Ireland, do you not?—I know most of them in the north.

1122. Are those estates well managed?—Generally, I should say, they are.

1123. Are they very well managed?—I do not know quite what the honourable Member means by "managed." Does the honourable Member mean that there is a good agent to manage those estates?

1124. I mean are those estates so managed that the tenants are both happy and prosperous?—I think so; on those that I know.

1125. Is it within your knowledge that the tenants upon those large estates are very apathetic with regard to any wish to purchase their holdings?—I cannot answer that question, because I have no means of knowing.

1126. Is it within your knowledge that the tenants who have evinced the greatest desire to purchase their holdings are tenants who know that the estate upon which they are farming is about to be sold, and who do not wish to have a change of landlord?—All the changes which have taken place within my knowledge have been of that description; that was so in the Marquess of Waterford's case; upon that estate, I think, the tenant right was very high, but the rents were very low. They had not been raised for many years, and were below the average of the surrounding properties, certainly.

1127. I think

Sir Walter Bartlett—continued.

1127. I think you stated that there were many instances in which the landlords did a great deal upon their estates for the tenants?—I stated that they did before the passing of the Land Act, and I dare say a good many do so still, but not so many as formerly.

1128. But where an estate is let out in a number of very small farms, it would be utterly impossible, would it not, for the landlord if he wished to have any rent at all, to do very much for these tenants?—It becomes more difficult, of course, in the case of small holdings; the landlord would not think it worth while, for instance, to build a house upon a very minute piece of land, or if he did, it would be a very small house.

1129. I dare say you have read the evidence of Mr. O'Brien, in which he gave several instances of very large sums of money being laid out upon very small farms which had been purchased by their holders?—I have.

1130. You know, as a general rule, the class of building which a tenant would put up upon a farm of 20 acres; do you think it likely that he would put up buildings to the value of 400 £ or 500 £?—I do not think he would, as a tenant.

1131. But as a proprietor?—I do not think he would, looking at the matter from an agricultural point of view, for farming purposes, but looking at the evidence of Mr. O'Brien, I see that a great many of those who have done so were themselves engaged in other pursuits, or their relations, or their brothers were; they were sailors, and so on.

1132. They were exceptional cases, you think?—They seemed to earn money in a way which they would not have the power of doing if they lived in the interior of the country.

1133. That is to say, if they had nothing else to depend upon but those 20 acres or so?—If there were no manufactures near, and no other industry, which is the case in many parts of Ireland, I do not see how they could do it.

1134. You stated that many small farms have been absorbed into larger ones?—I have known many cases of that kind.

1135. Do you think, if tenants had the opportunity to a larger extent of purchasing their holdings in the way which you may have gathered that it is proposed by the extension of the Bright's Clauses to facilitate, that in future, if it did not tend very much to injure Ireland, it would tend to the sale of those small farms, and the gradual absorption of them again into the large estates?—I think that would be the end of it after a certain number of years, unless there sprang up in Ireland some extraneous mode of employment, such as manufactures, or something of that kind.

Mr. Vernon.

1136. Let me ask you, is there not a system of what I may call a close spade culture in France and Belgium more approaching to garden culture?—There is a great deal of it in Belgium, near large towns.

1137. Have you ever seen anything like such spade culture in Ireland?—No.

1138. To refer to another subject, while agreeing with you that the tenants in Ireland are not likely to repudiate, as you said a short time ago, yet I would ask you if you do not think that some tenants might be tempted to become proprietors.

Sir Walter Bartlett—continued.

chased from a hope that some political turn might yet relieve them from part of the money due?—I do not think they would do that; I do not think the ordinary country farmer is politician enough to buy his land upon the idea that he might bring pressure to bear upon the Government, and get his land for nothing.

1139. I do not mean that he would think that, but that, from the constant agitation which goes on in Ireland with regard to the land question, there might come a turn favourable to his relief?—I can hardly give an opinion upon that subject.

1140. The honourable Member for Kildare asked you if you thought the state of the land question satisfactory; I would ask you if you do not think it is very unsatisfactory that it is not allowed a fair trial?—Certainly, the Land Act was agreed to by all parties in Ireland with the view to the tenure of land being improved in the hope of settling this question, which Mr. Gladstone informed us it would have the effect of doing. No answer was that done then we were told that the Land Act had entirely failed. I do not think it has had a fair trial, certainly.

Chairman.

1141. You told the Committee, in the early part of your evidence, that nearly three-fifths of the entire number of holdings in Ireland consisted of farms of under 15 acres?—I took that information from the census returns of 1875, in Thom's Directory.

1142. I suppose that a very large number of those are not, strictly speaking, farmers, but are farm labourers who employ themselves to a great extent as labouring men, only occasionally working their own farms?—The 51,459, who are put down as holding under one acre, must be clearly labourers, and then the next class, namely, those holding from one to five acres, of whom there are 69,000, must be to a great extent labourers; but those holding over that amount, I should say, were farmers.

1143. Those holding between 10 and 15 acres must, to a considerable extent, be men who are employed in other things, is not that so?—No, I do not think so; I have many tenants myself who have only five acres, who do nothing but work upon the land.

1144. But those two classes, namely, the 51,000 and the 69,000, must be practically labouring men, who are partly labouring on their own land?—Those holding below one acre certainly, and those holding from one to five acres, partly so.

1145. Do you think that the class of men who are labouring men, but who are also possessed of a little land in their own occupation, is a valuable class to Ireland?—They are a valuable class certainly; I should be sorry to say that any class was not valuable.

1146. Would you wish to see their condition reduced to that of the English agricultural labourer; namely, without any land of their own?—The English agricultural labourer is very much better off than those men.

1147. I would ask you whether you would wish to see the small Irish farmers reduced, or I should rather say altered, to the condition of the English agricultural labourer; that is to say, not possessed of any land in his own occupation?—Divorced from the soil in fact.

I 4

1148. Yes?

Sir  
F. Russell,  
Bart.  
7 March  
1876.

Sir  
F. Haydon,  
Bart.  
7 March  
1878.

Chairman—continued.

1148. Yes?—I would not wish to see them without any land.

1149. Do you think it desirable that that should be so?—I do not think it would be desirable in Ireland certainly, because there is not regular employment otherwise.

1150. But if there were regular employment, what should you say then?—If they got regular employment, and 14s. or 15s. a week as labourers, they would be three times as well off as these little tenants.

1151. Do you think that, in those parts of Ireland where there is no other employment for all, or many of them, it would be advantageous for them to be in the condition of the English agricultural labourer?—Yes, I do; a man having only from one to five acres of land is in a very precarious position; he has only potatoes to support himself upon, and he emigrates very largely.

1152. You think that an agricultural labourer, absolutely divorced from the occupation of land, is better off than the Irish small tenant?—I think that the possession of a little land by an agricultural labourer in good employment is of great advantage in any country.

Sir John Lubbock.

1153. Is it not the fact, that the alteration in the price of labour materially alters the position of these men, so much higher wages being now obtainable than there used to be?—There is not a day passes in Ireland when I am not told that my labourers are better off than the small farmers; their clothes are better, and they can pay for education better.

Mr. Phinck.

1154. Have your labourers any small portions of land?—We give them large gardens, half an acre, or something of that kind, at a nominal rent or no rent at all; that is my practice.

Chairman.

1155. Would you wish to introduce the English system into Ireland, that is to say, large farms and agricultural labourers?—I would not.

1156. Where would you draw the line?—I stated in another part of my evidence, speaking of the north of Ireland (because there is the greatest difference between the agricultural and grass country), that the most prosperous man is the man who can work his own farm with a pair of horses and a little assistance; we find that men do farms from 30 to 50 acres in that way successfully.

1157. That is to say, that a farm should be of such an extent that the farmer could do his own work on his farm, and need not employ labourers?—Yes, or only to a very small extent.

1158. You do not wish to see the introduction of the system of English agricultural labour?—I think it would be impossible to do so.

1159. Taking the system of agriculture abroad, should you say that there is any system of small holdings which answers, unless it is connected also with ownership?—I presume you are referring to small holdings of, say, 30 acres.

1160. Yes, or even not so large a holding as 30 acres; is it not the general result of all these reports which you have been referring to, that small farms pay best when they are connected with ownership?—I think the general result is,

Chairman—continued.

that small farms, even connected with ownership, except they are up to 30 or 35 acres, do not answer well.

1161. You referred at some length to those reports; those reports were laid before Parliament before the passing of the Irish Land Act?—Yes, in the winter, or some time before, to afford information to honourable Members on the subject.

1162. Specially with the view to the Irish Land Act?—Yes; I think it was stated so by Mr. Gladstone.

1163. May I take it that the general result of these reports is, that ownership of land is very much more extended in every other part of Europe, than it is in England and Ireland?—I do not know anything about Russia.

1164. We will exclude Russia; but taking France, Germany, Belgium, Holland, Switzerland, Italy, and Austria; is that not the case?—I believe Italy is an exception.

1165. With those exceptions, may I take it that the general result of experience, as detailed by the reports which you have alluded to, is that the number of owners of land, in every part of Europe, is very much greater than it is in England or Ireland?—I was very much surprised on looking at the statistics relating to Belgium to see it stated that there were 628,000 brothers of land held by owners of land, and that the number of owners was 337,000, while the amount of land held by tenants was 1,212,000 hectares, or just double that held by the owners; so that Belgium seems, to a great extent, after all, to be held by tenants, and not by owners.

1166. I think the more recent returns, so far as they can be relied upon, show that almost one-half of Belgium is held in ownership, and is farmed by its owners, and one-half by tenants?—Those returns make the number of owners 337,000, and the number of tenants 334,000, but the land held is double as much by the tenants as by the owners.

1167. I believe the recent returns show that one-half of Belgium in point of acreage is farmed by owners, and one-half by tenants; at all events, it may be conceded that a considerable portion of Belgium is owned by proprietors and let out on leases?—I own that was my impression, and I was surprised to find these figures.

1168. Nevertheless in Belgium there is a very large class of small proprietors?—No doubt there is.

1169. Making every allowance for the large owners, there is a very large class of small owners, and so there is in France?—The two classes are mixed up so much in Belgium, where tenants are also owners, and owners are also tenants, that I do not think these figures show much.

1170. Now is it not the case that in France a very large proportion of the land is owned by small proprietors?—Yes, it is stated in this report that in France 75 per cent. of the cultivators are proprietors.

1171. I think I am right in saying that about one-third of France belongs to large sized proprietors, one-third to medium sized proprietors, and one-third to very small proprietors?—Yes.

1172. And that about one-half of the whole of France is farmed by its owners?—Yes.

1173. But that leaves room for a considerable number of large proprietors?—Yes, there are a considerable

Chairman—continued.

considerable number of large proprietors, but I do not know the proportion they bear to the other classes.

1174. There also are a considerable number of tenant farmers in France?—Yes, there are.

1175. May I take it that the general result of the reports which you alluded to is favourable to the existence of a large number of owners?—It is favourable to that certainly; but then I rather draw this conclusion. I think it is in vain to look for any other state of things than that which now prevails there; that it is a consequence of a number of years' persistence in one particular course of legislation, and that no man in his senses would dream of making an alteration in it.

1176. The reports appear to show, do they not, that the general tendency of legislation in almost every European country in Europe for fifteen years has been to increase the number of small proprietors?—I should rather say it was legislation to remove every kind of feudal restriction, and the tying up of estates, and so on, and difficulties in the transfer of land.

1177. They have done away with entails, have they not?—Yes.

1178. And simplified transfer?—Yes.

1179. Am I not right in saying that in almost every country in Europe the property is completely divided on the death of the owner?—I would say it is so in the cases I spoke of.

1180. Is it not also the case in Prussia and Austria?—In Prussia the law of property is very much involved.

1181. But I am not talking of succession to land; is it not the case that the common law of Prussia and Austria is what is called "indefeasible inheritance"?—I believe so.

1182. Under that law a certain portion, namely, one-half of the property, be it land or otherwise, must be divided among the children?—I believe there are a good many restrictions nevertheless.

1183. Has it not been the result of the legislation of the last few years that the laws in all those countries have universally favoured the creation of small properties?—Yes, that is true.

1184. I think you stated that you did not find any case in which the State had made actual loans with the view of creating small properties?—I did not intend to include Russia in that.

1185. With regard to Prussia, you had some doubt as to what the meaning of rent banks was?—I could not ascertain where they obtained the money.

1186. The honourable Baronet has stated that they are afforded facilities for getting the money, and that they lend it upon favourable terms with the sanction of the State?—I think there is a great distinction between putting a bank in a position to give a guarantee and lending the Government money.

1187. Let me call your attention to the condition of Bavaria in Part 2 of that volume, at page 240; Bavaria, according to this report, is a country very much the same size as Ireland; it consists of 21,000,000 of acres, and it is stated that no less than 500,000 of its inhabitants are owners of land; now, if you look at page 240 of the Report, you will see that the State intervened for the purpose of assisting the creation of ownerships by lending money to the tenants?—The report says,

651.

Chairman—continued.

"For the latter purpose the law authorized the Government to create 'Land Charge Redemption Debentures,' bearing 4 percent. interest, and to make over to each ground landlord a sum, in these debentures, reckoned at their full par value, equal to 20 times the annual value, as fixed by the Commissioners, of the land charges or tithes to be commuted. It will thus be seen that, whilst the peasants were permitted to compound for their land burdens by means of mortgages created in favour of the Government, on the basis of 18 years' purchase of those burdens, the Government undertook to indemnify the ground landlords on the basis of 20 years' purchase, the State having been consequently a loser under this arrangement to the extent of the difference between the two rates assumed. The law of 1848 further provided that a sinking fund for the voluntary amortization of the peasants' Land Charge Redemption Mortgages should be established, and that the payments made annually by the peasants as contributions towards the fund should be devoted to the redemption, every year, of a corresponding amount of the debentures issued by the Government as indemnity to the ground landlords."

1188. From these passages it would appear that in 1848 the State in Bavaria intervened for the purpose of lending money to the tenants to buy off their landlords?—Yes, quite so.

1189. And that in the operation they lost 2 per cent.; they lent the money in such a way that, while they paid the landlords 20 years' purchase, they only charged the tenants 18 years, losing in the operation 2 per cent.?—It is a very striking instance.

1190. Does not that appear to you to be a case in which the State has intervened for the purpose of lending the State money for the creation of small owners?—I had overlooked that.

1191. In most of the other countries you have named, namely, France, Holland, and Belgium, there were from early times existing there a large number of small owners?—Yes.

1192. Even before the French Revolution?—There were in France.

1193. Am I right in saying that one result of the French Revolution was the sale of the Church lands; the sale being of lands belonging to the *émigrés* and the nobility and the sale of the State properties, the effect of which was to create a large number of fresh small owners?—Certainly.

1194. And the effect, also, of the French Revolution was to extend generally throughout France the law of compulsory division of property, which, previously to that, had only affected the small owners?—Yes.

1195. The result of all these operations, therefore, has been to create an enormous class of small owners in France?—Yes.

1196. Therefore in France there would be no occasion for the State to lend money for the purpose of creating small owners; it resulted from the operation of the law and the sales of these properties I have spoken of?—Yes, quite so.

Sir John Lubbock.

1197. Is there any limitation of the size of farms in France?—No.

Chairman.

1198. I have already called your attention to the fact that there are a considerable number of tenant

Sir  
F. Haygate,  
Bart.  
7 March  
1878.

Sir  
F. Hoggart,  
Bart.  
7 March  
1878.

Chairman—continued.

tenant farmers in France, and that probably one-half of France is let out to tenant farmers; I now wish to call your attention to the remarks of Mr. Sackville West upon the result of the wider distribution of property upon the present relations between landlord and tenant; will you read the passage?—"The present relations between landlord and tenant in France resemble those which exist in Ireland, in so far as they are founded on the express or implied contract of the parties, and not upon tenure or service; the verbal agreement from year to year exists as well as the written contract, the conditions being established by law, and upon the strict fulfilment of which entirely depends the tenancy. Ejection can be operated upon any contravention of the lease, and compensation for improvements depends upon agreement, and constitutes no legal claim upon the landlord. From what has been said, therefore, it would almost seem that the Irish and French systems of land tenure were identical, and what has caused, in the one case, discontent and agrarian outrage, has, in the other, been productive of social order and general contentment. But it must be borne in mind that 75 per cent. of the agricultural population in France are proprietors, and that the number of proprietors is still increasing. In this fact consists the difference, a difference depending upon the ownership of the land by the masses, as opposed to the ownership of the land by minority. Tenant right and fixity of tenure arising from land occupation are phrases scarcely heard in France in connection with landed property, for the simple reason that there can be no such right or fixity of tenure which does not result from free and undisputed possession, and as such possession appertains in the majority of cases more or less to the tenant and labourer as well as to the landlord, the disputed questions which occupy attention as regards the Irish land question can scarcely ever arise in France. Proprietary rights can never be called in question." Then a little lower down I should be glad to be allowed to read this passage: "His mode of life" (referring to the small proprietor) "presents a striking and instructive illustration of the system, for it is based upon the proceeds of the land in which he has a direct personal interest, and he lives, therefore, as an independent member of society, rising according to his means in the social scale."

1199. Does not that tend to show the great value to a country of having a very large number of landed proprietors even of the smallest class?—I have no doubt of the value of having a very large number of landed proprietors, even of the smallest class; but my doubt is that you may get a wrong class, or go too far, as it is said here: "All persons conversant with the subject appear to be unanimous as to its evil results, and it is becoming an important question as to how far it may be possible to preserve a system which has been productive of such undoubted benefit to the nation, and at the same time prevent its undue development from becoming the cause of ruin and misery."

1200. Mr. Sackville West is advertising there to the disadvantages arising from "morcellement"; that is the compulsory subdivision of the land by the State?—From whatever cause it arises the effect would be the same.

1201. I asked you a question upon that point

Chairman—continued.

on the last occasion, namely, whether the law of France does not compel the subdivision, not only of all the landed property of a person on his death, but of every portion of land; and it is with regard to this special "morcellement," as it is called, that those arguments are adduced?—Quite so.

1202. May I not take it that generally these observations point to the value of a large class of small landowners?—No doubt.

1203. Now, coming to the case of Ireland, was I right in saying that the number of land proprietors in Ireland was smaller than in any country in Europe?—I do not know what the number is in any other country in Europe. You can hardly find that out.

1204. Is it not the fact that the number of landed proprietors in Ireland, especially the smaller class, is extremely small?—I do not know whether the number of landed proprietors in Scotland is not less than in Ireland. I should think it was.

1205. But I am comparing Ireland with countries on the continent; now, is not the number of landed proprietors in Ireland extremely small?—I should think it was.

1206. Do you know what is the number of landed proprietors in Ireland holding under 25 acres?—No, I do not.

1207. Have you looked at the Return which was made out for the late Government at the time of the passing of the Land Act, showing what number of proprietors there were in Ireland, excluding the town districts?—I think I remember it.

1208. Should you be surprised to hear that at that time the number was 2,377 landed proprietors, holding under 25 acres?—It certainly is very surprising; that number seems, I presume, ownership of under one acre.

1209. Yes, it does; you are also aware that even in England the number of landowners compared with Ireland is considerably larger?—The ownership in England are subject to so many peculiar arrangements; for example, these societies which have bought properties, and broken them up for the purpose of selling votes, have added largely to the number of proprietors in England.

1210. May I take it as being the consequence of this state of things, and also with these reports before them, that the late Government introduced these clauses into the Irish Land Act that we are now considering?—I understood at the time that it was a benevolent theory of Mr. Bright's, who fancied it would be very conducive to the interest of the farmers to own small holdings. I do not think he was acquainted with the result of farming small holdings, but he proposed it, and nobody made any objection to it; it was considered an experiment.

1211. These clauses were stated to Parliament, and passed by Parliament without objection?—It was looked upon as an experiment that could not do much harm upon the scale that was voted at the time, namely, a million of money.

1212-13. At the same time no objection was taken to the principle of the experiment?—I know many persons who objected to the principle of the experiment. I did myself, but I thought that although the principle was hazardous, yet if there were any part of the country in which



*Chairman—continued.*

which it would be perfectly safe to try it, it would be in my own part of the country.

1214. You took no exception, and proposed no amendment to those clauses?—I did not.

1215. You did not then propose to limit the application of the principle to farms under 10 acres?—I thought the smallness of the sum proposed to be advanced altogether did not render that necessary.

1216. Do you think that what has taken place under the operation of those clauses has been sufficient to justify us in calling it even an experiment?—Not what has taken place under the operation of the Bright Clauses of the Land Act certainly, but what has taken place under the sale of the glebes seems to be a much larger experiment, and to try the experiment in a much more adverse way to the purchasers, because the purchasers are small people, and, therefore, any adverse consequences which I anticipate might arise, would happen to them rather than to the purchasers in the Landed Estates Court.

1217. Then I gather from you that you think that further time should be given to see what the result of this experiment is?—Distinctly; and I think that in order properly to judge of this experiment, very accurate information should be obtained year by year, or after a short time, of what has been the consequences of the sale of these glebes.

1218. How long a time do you think it desirable should elapse before you could test any of the results; I think you said four or five years?—Yes, because it was said by one of the previous witnesses that for the first few years the purchasers under the Church Act could not be expected to make improvements, because he would be much oppressed at first with the amount of the instalments, but that as that became less oppressive to him, he would make improvements; so that, I think, an immediate inquiry would not be expedient.

1219. Are you aware that 2,000 of these purchases were made before the year 1874?—I was not aware that there were so many. In Ulster, in which many of these glebes lie, I should have thought that they were not most of them more than two or three years old.

1220. Supposing it to be the fact that 2,000 of these purchases were made before the year 1874, do you not think that would form some ground for judging of the result?—I do not know how many holdings there were under the Church Act, or what proportion the 2,000 would bear to the total number to be sold.

1221. The total number sold to tenants is about 4,500, and there remain unsold about 2,000?—The first 2,000 that was sold would most likely be the best cases, namely, those who were the most able to buy and the most able to improve.

1222. I think one of the main objections you take to the proposal is that it would lead to subdivision?—I am afraid so.

1223. Does not that objection apply quite as much to the larger farms as it does to the smaller ones?—No, for this reason, that the larger farmer, a man of 50 acres, is able to save more money in his lifetime to portion his children off, and to leave sufficient to support his widow without subdividing the farm; he is a larger man altogether.

1224. Do you mean that in the case of a farmer holding 50 acres he would be able to lay by 0.51.

*Chairman—continued.*

sufficient in his lifetime to portion off his younger children, and leave the whole farm to one son?—I think so; he would be more unwilling to allow his farm to be broken up; he would look upon it as his property, and he would be more certain to make a legal will; now my experience of those wills is, that all the tenants make wills, but very seldom legal ones, and if any one of the family chooses to disprove it, the will not stand; they are generally made by some schoolmaster on the spot, who does not know the legal forms; very often they are not witnessed.

1225. You think it, at all events, practicable to confine the operations of these clauses to farms above a certain size?—That difficulty is what met me at first; I think it is not only a question of whether it is practicable, but whether it is just, because if you take the money which belongs to the whole population, and only lend it to a class, the other class might complain very much.

1226. You think they would complain?—I think they would. I was asked whether the labourers would not complain seeing a farmer getting his farm, they would ask whether they might not get a share of the money to buy their cottages with.

1227. You are aware, are you not, that if you confined the operation of the clauses to farms above 30 acres, you would be practically confining it to nearly one-third of the total number of holdings in Ireland?—Yes.

1228. Do you think that that would give satisfaction to the other two-thirds of the tenants in Ireland?—I could not go into the question of whether it would give satisfaction; the question is whether it would be just to the country.

1229. Would it be just to them that they should be deprived of the benefit of this scheme?—It is the difficulty of drawing the line which makes me more hesitate as to the policy of the State becoming creditor of the country.

1230. Does not it become an objection to the whole scheme, that inasmuch as you cannot justly confine the experiment to the class of farmers of above 30 acres, you would think it inexpedient to try the experiment at all?—If you could get over the difficulty of drawing the line from which the money comes, I think it would be much more expedient to have a class of farmers holding from 30 to 50 acres.

1231. But the source from which the money would come is only one of your objections; your other objection, and quite as great a one, is the fear of subdivision, is it not?—Quite so.

1232. These are the two main objections which you entertain, namely, the fear of subdivision, and the fear of money coming from the State, the new owner being unable to repay it?—I think that a man with 50 acres of land would make every possible exertion to prevent his farm from being subdivided afterwards, though he might find it difficult to do so from the great value of it; but a man with seven or eight acres of land, I think, would hardly find it possible to prevent that subdivision.

1233. I wish to ascertain from you whether you do not think these objections are really fatal to the whole scheme; can you contemplate a scheme of this kind in Ireland applied only to the larger class of holdings, and not to the smaller class?—No, it appears to cut against both classes.

*Sir*  
*F. Hoggate,*  
*Bart.*  
7 March  
1875.

1234. Therefore

Sir  
F. Haygate,  
Bar.  
7 March  
1878.

## Chairman—continued.

1234. Therefore it is fatal to doing anything now, in your view?—I suppose one is examined here as regards a particular proposal, and if you see an objection to that proposal, it hardly follows that you have another scheme, nor is it, I presume, exactly consistent with the appointment of this Committee to propose other schemes to them.

1235. Have you yourself any scheme to propose for extending the operation of these clauses of the Irish Land Act: do you think, in the first place, that it is desirable that they should be extended?—I think it is desirable to get a larger number of owners of land.

1236. Do you see your way to recommending any scheme for the purpose of extending the operation of these clauses of the Land Act, which have for their purpose the making of small tenants into owners?—If tenants could borrow from any corporation, such, for instance, as Queen Anne's Bounty in England, for the improvement of glebe and farm houses, if the transfer of land were very easy, and they could borrow on easy terms, then I should be glad to see farmers come into the market and buy land.

1237. Taking the analogy of Queen Anne's Bounty, do you think that if there were any fund like that in Ireland from which farmers could borrow, some of the objections you have suggested would be met?—I should think so.

1238. Did you observe that it was part of Mr. Vernon's suggestion that part of the money which has resulted from the sale of the church property should be used as the basis of this fund?—I see that he stated so.

1239. Do not you think that there is some analogy between such a fund as that and Queen Anne's Bounty Fund?—There is an analogy, certainly.

1240. Do you think that some of your objections might be met by using that money rather than the State money?—It is better than the State money. What I should rather see would be land banks, or private corporations dealing with their own money, not Government money, in the view that the Government should not undergo any unpopularity in enforcing the security in case of necessity.

1241. I understand you to suggest some fund like Queen Anne's Bounty; I then suggested that the surplus of the Established Church of Ireland might be a fund analogous to Queen Anne's Bounty Fund, and I then went on to ask you whether some of your objections to other parts of Mr. Vernon's scheme might not be met by using those funds rather than Imperial funds?—I think it would be very much better than using the State funds, but the fund would have to be carefully guarded against loss.

1242. Assuming that you could guard the State against loss, would you consider that fund might be advantageously used in this way?—I have rather considered the evils of using Government money, than gone specifically into the advantage of the use of other funds.

1243. You do not think it would be open to the same objections as the use of Government money?—Decidedly not.

1244. You stated that you objected to State money being lent to tenants to buy their holdings, but you stated that you had no objection to money being lent to landlords and owners for the purpose of building agricultural labourers' cot-

## Chairman—continued.

tages?—Labourers' cottages have been always repeated, and justly so, as almost the greatest disgrace to the country, and it has been the policy for a long time to lend money to landlords and owners to build labourers' cottages.

1245. Is it the fact that in Ireland money has been lent to landlords for the purpose of building labourers' cottages?—Yes, upon very easy terms as far as terms go, but upon very onerous conditions as far as regards the building to be erected.

1246. What are the terms on which the money is lent?—The terms are 3 per cent. for 31 years, I think.

1247. I would ask what distinction in principle do you see between lending money to landlords to build labourers' cottages and lending money to tenants to buy their holdings?—Landowners are very averse to avail themselves of this power; it is such a loss to them to do it.

1248. I ask you what distinction in principle is there between the one and the other?—The distinction is this, that the one is lending to the owner of the property, or the tenant or occupier of the property, for an improvement, while the other is lending to buy the very article itself, which is improved. I think there is a great distinction between the two.

1249. Is not that merely a question of the quantum of the security?—No; I think it is more than that.

1250. In both cases you have a distinct public policy in view; in the one case to improve the agricultural labourers' cottages, and in the other to create a number of small owners. I would ask what distinction do you draw between lending money to the landlords to build agricultural labourers' cottages, and lending money to tenants for the purpose of enabling them to purchase their holdings?—I do not see much distinction; I was never much in favour of the principle of these Government loans. I think it would be much safer for the landlords to go to one of these institutions in London and borrow money at 4 per cent.

1251. I thought I understood you to put that forward as an alternative; that instead of lending money to small owners you would prefer to give greater facilities to landlords to build agricultural labourers' cottages?—I did not mean to give that as an alternative. I understood the question put to me to be, What do you think is most required for Ireland, and what would be the best way of getting at it.

1252. What is the number of the question you were asked upon that point?—No. 831.

1253. You were asked at that question, "Then if it should not be deemed desirable to assist to any great extent in the creation of these very small ownerships of lands, have you any suggestion to make to the Committee of what you think will be most required to ameliorate the condition of these small holders?" And then you go on to suggest that the Government, through the Board of Works, should make loans on easy terms for the purpose of building agricultural labourers' cottages?—Certainly the answer is not a good answer to the question; I understood the question rather as meaning, could I recommend anything for the country? I say, leave things alone; that great improvements had taken place, and are rapidly taking place; then, I say that, if loans could be made to landlords and tenants jointly,

*Chairman*—continued.

it would be advantageous, because I do not think it is the landlords' business only to build these cottages.

1264. As a means of doing benefit to Ireland; and, having rejected the idea of lending money to tenants to buy their lands, you put forward the view of giving better terms to landlords and tenants for the purpose of building agricultural labourers' cottages?—I suppose it would be to the interest of the country and for a very large part of the population, that is to say, for the tenants, who are not at all interested in the Bright Classes, that they should have better houses.

1265. May not that argument be used equally in this way, that it is for the benefit of the country that there should be a greater number of small holdings, and that, therefore, you should lend money to the tenants to buy?—I think that I guarded myself by saying that you must first prove a great national necessity for it; that it was an exceptional proposal, and that it required to be proved to be a great national advantage. The next great exception I thought were these wretched houses of the people, and that, if you are trying to do something of general benefit, something should be done to those.

1266. Do I understand you to say that there would be no national advantage in an increase of small owners?—I have said so a great many times; not below a certain class.

1267. Have you at all considered why it is, as compared with England, that the number of small owners is so very inconsiderable in Ireland; do you know from what that small number comparatively results?—There are many results, I suppose, from the time in which the land was acquired originally, by huge grants from the Crown; what makes them appear very large is the extent of mountain and bog land; if you go merely by acreage, you would be very much deceived as to the value of them. You read of men having 100,000 acres of land, but that perhaps 85,000 acres might be mountain.

1268. Still the number of small owners is very small; how do you account for that?—Taking the county of Londonderry, for instance, two-thirds of it is mountain. Nobody lives upon it, and comparing that with Leicestershire, which I know, the amount of population of any kind is exceedingly small, except in the large towns.

1269. Taking two counties, which can be more fairly compared with one another; taking the county of Meath and the county of Leicester, is it not the fact that the number of owners in Ireland is very much smaller than the number of owners in England?—No. I should be inclined to doubt that very much, if you exclude the owners in towns. In Leicestershire there would be a considerable number of towns which would contain a large number of owners, small and large.

1270. Do you recollect the evidence of Dr. Hancock in which he compared the counties of England and Ireland, and he showed that the number of small owners in Ireland as compared with those in England was about one-tenth?—There are very few counties in England, I think, which you could compare with counties in Ireland.

*Mr. Heygate.*

1261. Is there any county in Ireland without mountains?—Very few.

*Chairman.*

1263. Referring to Dr. Hancock's evidence last year, at page 31, he compares Meath, Westmeath, and Cavan, with Bedfordshire, Berkshire, and Buckinghamshire, and he shows the number of small owners in the Irish counties to be one-tenth of what the number was in England?—May I ask if Dr. Hancock was taking acreage for acreage?

1265. Yes, taking the proportion; of course the acreage is not quite the same; the fact is, that the acreage in Bedfordshire, Berkshire, and Buckinghamshire, is 1,173,000 acres, whereas in Meath, Westmeath, and Cavan, it is 1,360,000?—In Cavan there are some very large bogs; there is the immense extent of Lough Erne; I do not know the counties of Meath and Westmeath, so I cannot say as to them.

1264. He shows that the number of landowners in Irish counties is 1,612, whereas in the English counties it is 6,142?—I should think it is hardly a fair comparison.

1265. Is it not the fact that in almost every part of Ireland there are very few small owners of property?—There are not nearly so many as there are in England.

1266. Is it not a matter of great difficulty to a man to purchase a small holding in Ireland?—There are constantly sales; if I take up a paper in the northern counties, I find that there is not a day without sales.

1267. Have you looked through the evidence laid before the Committee last year given by the officers of the Landed Estates Court, in which it appears it is almost impossible for a small property to be sold through the Landed Estates Court, on account of the expense of the transfer?—I dare say that is the case.

1268. Do not you think that tends very much to prevent the creation of the class of small owners?—I think if the expense could be reduced it would be a very good thing; in fact, anything that would facilitate the transfer of land and sales of it would be a good thing.

1269. Are you in favour of reducing those difficulties with regard to the settlement of land?—I am not very much in favour of the strict laws of settlement.

1270. Would you do away with the laws of entail altogether?—No, that is going to the other extreme. I merely answered generally, that I was against the system of tying up land for a number of years.

1271. You would give fair facilities for sale?—I would give fair facilities for it.

1272. So that the tenants should have fair opportunities for improving their properties?—I would not like to lay down any degree at which you should draw the line.

1273. Looking to the facilities of transfer, and the extent to which land is tied up in Ireland, do not you think it would be desirable that the State should intervene for the purpose of giving special facilities for the creation of the class of small owners?—I can hardly say that, when my opinion of the result of the creation of small owners is not a favourable one.

*Sir F. Heygate, Bart.*

7 March 1875.

1274. You

Sir  
F. Hoggins,  
Bart.  
7 March  
1878.

Mr. Phoket.

1274. You mean by small owners, owners of about 10 acres, do you not?—I do.

Chairman.

1275. You think it would not be desirable, taking it all round, that there should be a class of proprietors holding below 30 acres?—I do not think it would be desirable in the interests of the country.

Mr. Phoket.

1276. Would you draw the line rigidly at 30 acres?—No, I would not; but I am speaking generally of the small farmers. I prefer to leave my limitation upon what I stated before, namely, that quantity of land which would enable a man to work the farm with a pair of horses, and with the labour of his own family.

Chairman.

1277. You do not think it would be desirable to create a class of small ownerships?—It depends upon the degree; in a district where the proprietors are unwilling or unable to build proper houses, it would be an advantage; but that would be a question of degree.

Mr. Phoket.

1278. As regards the quantity below which you do not think it desirable that small ownership should be stimulated, do you think that an increase of the amount advanced, either from such a fund as the Church Surplus Fund, or from the Treasury, such, for instance, as an advance at from two-thirds to three-fourths, would have a tendency to facilitate the acquisition of fee-simple by these very small owners?—I think, of course, that an advance from two-thirds to three-fourths, or any advance, would facilitate the acquisition of the fee-simple; it would enable the tenants to come forward and buy more easily.

1279. If they were obliged to find the balance themselves, would not that be a fair way of limiting the class whom you would facilitate in enabling them to obtain such proprietorships there would be no invidiousness or injustice as regarded the small tenants?—If you refused to increase the amount the men would undoubtedly refuse to make the purchase, and it would not be so ridiculous.

1280. If you increase the amount of the advance the small tenants would not be so likely to become bankrupt afterwards?—Quite so.

1281. You see no injustice in such a limitation as that?—The question of the justice of it depends upon the fund from which the money comes.

1282. Suppose the Government positively says this, "We are prepared to advance a certain amount of Imperial funds to such tenants as we think are likely to be solvent borrowers from the State funds, and with that view we draw the limit at those who are able themselves to advance one-third; we will not go beyond that;" do you see any injustice in that?—I think there might be some possible injustice, but it would be the practical way of arranging the matter; I think the State cannot go into those very minute points; the State must deal with large things rather than small.

Mr. Phoket—continued.

1283. I wish to ask you a question with regard to the Church Surplus Fund; as I understand your evidence you see less objection to advances from the Church Surplus Fund than from the Treasury; was your reason for preferring the Church Surplus as the fund from which such advances should be made, that you would not under any circumstances have the Government confronted with insolvent borrowers as their creditors?—I do not think I recommended the fund from which the advance should come; my objection was that the worse fund was a fund immediately under the control of the Government, such as a vote out of the Consolidated Fund.

1284. I did not understand you to recommend the Church Surplus as the best in the abstract?—I did not recommend the Church Surplus as the best, because I was not aware that there was a Church Surplus.

1285. But you seemed to have a preference for the Church Surplus as compared with the Treasury funds; was that preference founded upon the ground that if the money were advanced by the Church Commissioners instead of by the Treasury, in no case could the Government be brought so directly into contact with the insolvent borrowers?—It was decidedly upon that ground, namely, that the Government might not be brought directly into immediate contact with the immediate borrowers.

1286. You would therefore go so far as to say that if there were other purposes to which the Church Surplus might be applied, such, for instance, as the advancement of intermediate education in the country, the tenants have no kind of prior claim to this fund?—No one, so far as I can make out, has any prior claim upon the Church Surplus as far as claim goes.

1287. Therefore so far as the application of this Church Surplus is concerned, I suppose you regard it entirely as a question of competitive claims?—Yes, I think it is so; I thought it was one which was removed from immediate consideration, from the fact that no surplus had accrued, or would do so for some time.

1288. Now, comparing loans which are made to landowners with a view to building labourers' cottages, and such advances as are made to tenants for the purpose of enabling them to become proprietors, your preference for the former practice over the latter is, as I understand, founded on the same ground, namely, that you are not likely to bring the State into conflict with the insolvent borrower, should he have come into bad circumstances?—In the loans to tenants, or to owners and tenants jointly, for agricultural improvements or building houses, great care is taken that no part of the loan shall ever be lost; it is a very small loan indeed compared to the value of the property. I suppose no such cases have occurred or cases in which the loan has even been jeopardised.

1289. So that it is not a loan for the advantage of the very poor class of the country, namely, the labourers, but a loan to a class who are not at all likely to become insolvent?—They give very substantial security indeed, and could borrow money from anybody else upon almost the same terms, but not quite so good.

1290. Therefore, the danger you apprehend is not the least likely to occur?—No; the Board of Works

Mr. Parnell—continued.

Works would take very great care that there was ample security in that case.

Chairman.

1291. Have you read the short report which I made on the purchases from the Church Commissioners of the Clonallan Glebe?—I think I saw some extracts from the report in the newspapers, but I never read the report that you made.

1292. I visited nine of these small owners who purchased from the Church Commissioners, and there was only one of them whose farm was over 20 acres in extent; there was one whose farm consisted of 51 acres, all the other eight consisted of farms under 20 acres, and, therefore, in your view they would be excluded from any scheme for facilitating the purchase of land by tenants?—I am afraid they would be under the Bright's Clauses of the Land Act; I read the account which was given in the evidence the other day.

1293. I would ask you, looking at those cases, whether you do not think that in every one of these cases there is a distinct advantage, not only to the individual, but to the State, in his becoming the owner instead of the tenant of the property?—It appeared to me that that evidence mostly referred to the immediate neighbourhood of Newry, and that the people were not, in the great majority of cases, living on the holdings at all, but that those who have been the first men to make improvements were employed in navigation as sailors.

1294. That is to say, that one member of the family was very often earning wages elsewhere, but that the property was purely agricultural property, and consisted of agricultural land at a distance of four miles from Newry. Now let me ask you, if you have looked through these cases, to say whether you do not think that in every one of these cases there is distinct advantage both to the occupier and to the State in the fact of the tenant having become the owner instead of merely remaining the tenant?—I think the improvement must always be proportionate to the property requiring to be improved.

1295. But I am talking not of the improvement of the property, but of the status of the people who have purchased their land?—I can hardly think the present state of things can continue.

1296. But looking at their immediate condition, do not you think they are better off as owners of the land in every respect than as occupiers, and that it is advantageous to the State to enable these people to become owners rather than occupiers?—It is certainly an advantage to the State, if the State can absolutely place these people in a better position, and enable them to become owners, and that they should live in these better houses.

1297. Let me read to you one of these cases, namely, No. 3. "The tenant had bought his little farm of five-and-a-half acres for 164*l.*; he is 52 years of age, and has nine sons and two daughters; seven of his sons are at sea, and one of them selling out of Newry, gave the money to purchase, and last year gave more to build an additional farm building. He has a neat slated cottage, gate piers, and iron gates to the fields. A son, aged 40, who was for some time in the hospital

Chairman—continued.

tals at New York and Dublin, and who is fit gone in consumption, told me he had every comfort, and all the care he needed at home." I want to ask you whether you do not think that both to the family and to the State there is an advantage in such a man as that becoming the owner of property?—Certainly, if he is fortunate enough to have nine sons all at sea, or earning money, and sending money home to the father.

1298. That is generally the case all over Ireland, is it not?—There are a great many cases of people having nine sons certainly, but not all earning money and sending it home.

1299. Take the next case. "That farm was rented at 27*l.*, and was bought by the tenant for 648*l.*, of which he paid down 226*l.*; he had saved this money at sea, and as the tenant said, 'many a sail were went over his head for it;' since his purchase, he paid 87*l.* for building materials, and has converted his thatched cottage into a two-storied slated house. He would have rebuilt the house in any case, but would have had no security unless he had purchased, and he is well pleased to be the owner; he lives wholly by his labour on the farm." I want to ask you whether you do not think that is a good case?—I think decidedly it is an improvement, because that house is not so much out of proportion, as houses go in Ireland, to the farm, and that man had money to pay for it; he did not have to borrow it, and he will be likely to do well.

1300. Without such an experiment as that tried by the Church Commissioners, such a man could never become the owner of his farm, could he?—I would answer that by saying that these were very exceptional cases.

1301. I ask you whether there are any of these cases in which you think that distinct advantage has not resulted to the individual as to the State by the tenant becoming the owner instead of remaining the tenant?—No doubt that is so, but those are all in the neighbourhood of a shipping port, and I think you should follow these sales out to parts of the country where there is no such advantage.

1302. You think that this cannot be taken as any proof?—It is partly proof, but still it is valuable experience.

1303. Newry is not a very large shipping port, is it?—It is a very considerable shipping port.

1304. But there must be considerable agricultural districts elsewhere in Ireland under the same conditions?—There must be a considerable demand for shipping labour when a man has nine sons all engaged at sea. I do not, of course, wish to throw any doubt upon those cases, but I should like to see samples taken from the purely agricultural districts.

1305. Are there not a very large number of farms within reach of the manufacturing districts of Ulster, such as Belfast, and so forth, where one of the family may obtain employment in manufactures, and yet the farm be in the possession of the family, just as these farms were?—Certainly there are a great many, but not as many as the honourable Member thinks, because the glebes are mostly in country places away from towns.

1306. I am not now talking of glebes, but of agricultural holdings generally in the north of Ireland; I am trying to draw an inference from

Sir  
F. Haygate,  
Barr.  
7 March  
1873.

Sir  
F. Heygate,  
Bart.  
7 March  
1878.

*Chairman—continued.*

the result of the sale of this glebe in favour of giving facilities for the purchase of farms in other parts of Ireland similarly situated; there must be very large agricultural districts in Ireland situated as favourably as Newry would be for the purpose of obtaining similarly the benefit of this scheme?—I am afraid that there is a very small proportion of Ireland which is within such easy reach of a seaport as that. You do not find that sailors go from agricultural districts where they are more than 10 or 20 miles from the sea; I hardly ever heard of a sailor going to sea from Leicestershire, for instance.

*Mr. Heygate.*

1807. I wish to ask you to clear up one expression which was used in your cross-examination by the honorable Chairman several times, namely, "Objecting to the existence of these small owners;" I do not understand you to say that you object to the existence of small owners in any number naturally arising?—No; on the contrary, I stated that I should like to see more of them arising in the course of the natural operation of the law.

1808. Your objection is to the artificial creation of these small ownerships by State aid?—Yes; I look upon that as unnatural proceeding.

Monday, 11th March 1878.

MEMBERS PRESENT:

Mr. Broen.  
Mr. Errington.  
Mr. Heygate.  
Sir John Leslie.  
Mr. Shaw Lefevre.

Mr. Malden.  
Major Nolan.  
Mr. Plunket.  
Colonel Taylor.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. JAMES McDONNELL, re-called; and further Examined.

Chairman.

1309. You were examined before this Committee last year at some length; and since then, I believe, you have had an opportunity of reading over the evidence which was given by other witnesses?—I have read a good deal of it.

1310. And you desire, I believe, to make an explanation to the Committee with regard to a statement which was made here by Mr. Burke?—I do.

1311. It was with regard to the sale through the Landed Estates Court of the property belonging to Mr. Devenish?—Yes, it was.

1312. Will you state what explanation you desire to give of that part of his evidence?—You will see the point raised by Mr. Burke's evidence, from Questions 3208 to 3312, particularly at Question 3305, in answer to The O'Connor Don, who asked him: "Did you, when you made this application to have this tenant's holding put up as a separate lot, offer any particular number of years' purchase?" To which he replied: "I first offered 22 years' purchase, but when they made an objection to setting it up for me without putting it up with the other lot, I said I would go as far as 25 years' purchase rather than lose the property." No such offer was ever made.

Mr. Plunket.

1313. Do you mean to say that no offer was made either of 22 years' purchase or of 25 years' purchase?—Neither the one nor the other; no offer was made, good or bad, at the time of settling the rental.

Chairman.

1314. What really took place with regard to this sale?—What really took place was this. The rental was before me on the 13th day of November 1873, and nobody appeared upon that occasion for the tenant. I adjourned the case to the 27th November, and there was no appearance then either, and I settled the rental, subject to some queries. An objection was filed by the tenant, which I left to be disposed of by the judge.

Mr. Plunket.

1315. Who appeared for the tenant?—Nobody appeared for the tenant.

1316. Who filed the objection?—Mr. Burke.

1317. Who was he acting for?—For Mr. John Grady, the tenant. Then, upon the 30th May 1873, the rental came again before me for final settlement, and the queries I before made upon it were discharged, and Mr. John Grady's objection was admitted, but without costs. Mr. Burke, who was acting for Mr. Grady, appeared before me upon that occasion, and mentioned that he wished to have Grady's farm set up in a separate lot, to enable Grady to buy it. Mr. Mease, the solicitor, having the savings of the proceedings, objected to this, alleging that it would injure the sale to do so. I pointed out to him that the farm lay by itself, and could be made into a lot without hurting the remainder of the estate, by the division, and therefore I thought it was really a question of price; that is to say, that it would depend upon what the tenant would give for it, whether we should put in a lot by itself or not, and I asked Mr. Burke if he was prepared to name any upset price; he said he was not prepared to name any upset price, as he thought he had a right to have the lot put up to suit the tenant without any such condition. I referred both gentlemen to the section in the Act of Parliament, and I told them that if a sufficient upset price was named to me I would feel it my duty to put up the lot to suit the tenant, and I let the case stand over to enable them to confer with their clients upon the subject. As I recollect the matter, Mr. Burke asked for a longer adjournment than I was willing to give him. If I had given a lengthy adjournment it would have thrown the sale of the estate over the long vacation, which would have been very injurious to the seller; therefore I would not yield to the application made, but I let the matter stand over until the 4th June, which, though a short time, was long enough to enable him to communicate with his client. Upon the 4th June the parties came before me again, but Mr. Burke could not wait until the case came on; and when it was called on, Mr. Mease informed

Mr.  
McDonnell.  
11 March  
1878.

Mr.  
J. P. Donnell.  
11 March  
1878.

Mr. Plunket—continued.

me that Mr. Burke had not heard from his client, but that he, Mr. Burke, had stated to Mr. Mease that he was willing on his own responsibility to put the holding up at the upset price of 1,000*l*.

Chairman.

1318. How many years' purchase would that be?—That would be a trifle under 20 years' purchase.

1319. Was that for the whole property?—No, that was for the particular lot, the tenant's farm. I declined to put it up at that price. I said I would put it up at 1,300 *l*, but Mr. Burke not being there, I told Mr. Mease not to break the estate for him, but to leave his rental, and that was done; the rental was then printed and published. About the 19th June, Mr. Burke made an offer to buy his lot at 22 years' purchase, which offer was brought before the judge on the 23rd June, and rejected.

1320. Was that at the auction?—No; he brought forward the application himself; he moved the judge to break up the rental and adjourn the sale, and take 22 years' purchase for the tenant's farm. The judge, of course, refused at that period to delay the sale, as it would have been a very expensive thing for the seller; it would have involved printing and advertising a new rental, and would have been very injurious to the owner.

Mr. Plunket.

1321. Upon whom would that expense have fallen?—It would have been a matter of contract; *probat' scilicet* it would have fallen upon the seller, unless some arrangement had been made to the contrary.

1322. Did Mr. Burke make any arrangement about the expense?—I cannot tell. But I do not suppose that he proposed any.

Chairman.

1323. What happened eventually to the property?—The whole estate was put up to auction, and Mr. Burke's client bought it.

1324. Did he pay it for 2,800 *l*?—Yes, he did.

1325. Was that less than 20 years' purchase?—It was less than 20 years' purchase all round.

1326. Had he to go through other proceedings for the purpose of getting an advance upon his own holding?—He did go through them, but a great deal of them were unnecessary.

1327. Do you mean that he might have obtained his advance without going through those proceedings?—Without going through such expensive proceedings as he did go through.

1328. What might be have done?—I do not think it would have been necessary under the circumstances to get a re-survey of the estate.

1329. I presume he did not voluntarily incur that expense?—I think he did not voluntarily incur the expense, but he did it ignorantly; if he had been a skilful man he would have avoided the expense; he was buying an Ordnance townland, the boundaries of which are perfectly ascertained, and if he had represented that, instead of asking for an ordinary survey, he would not have been asked to have a re-survey made; it was upon his own motion that the re-survey was made.

Chairman—continued.

1330. Under the impression that that was required by the Board of Works?—Yes, or rather by us. We should not have required anything of the sort in buying an Ordnance townland, the boundaries of which are perfectly ascertained.

1331. Then he incurred a considerable expense unnecessarily, and in ignorance of the forms of your department?—Yes, and finally on the 8th July, Mr. Burke applied for an apportionment order to divide the purchase money between the portion which his client held as tenant, and the residue of the lot, and he himself apportioned the purchase money at 1,536 *l*, 15 *s* against his client's farm, that being about 26 years' purchase, if I recollect rightly, and about two years' purchase more than I would have put it up at, if he had asked me to do it.

1332. Will you just refer to Question 1325; speaking of you in connection with this matter, Mr. Burke says, "He pointed my attention to the 46th section of the Irish Land Act, 1870, in which there are words which say that, 'The Landed Estates Court shall, so far as is consistent with the interest of the persons interested in the estates, or the purchase-money thereof,' and the solicitor having the carriage of the estate represented this as a perfectly solvent estate, and that nobody would bid against the tenant; I told him it would sell far better in two lots." Did that conversation pass between you?—It is very possible that he told me the property would sell better in two lots, but I do not mind much what a man tells me, who is coming to get a lot to suit himself, as to how the estate will sell best; I would rather follow my own judgment or that of the seller in that matter.

1333. Have you anything more to say with regard to this point?—I see, in answer to Question 1326, Mr. Burke says he did not appeal to the judge, because he did not think it would have done his client any good, because he "considered that, so long as these words were there, and it was a solvent estate, the judge would certainly say that the interests of the owner of that solvent estate should be considered, and that he was the best judge of his own affairs." I may, perhaps, have said in the letter which Mr. Mease wrote, after hearing what I had said upon the matter, to Mr. Devenish, as showing it was a matter in which we would exercise our own judgment independently. That letter (*handing in a letter*) was written after the meeting of the 30th May.

1334. Who was the letter from?—The letter was from Mr. Mease, the solicitor having the carriage of the sale, to Mr. Devenish, the owner, representing what I had stated to him; it is not perfectly accurate, but it shows in a general way the view that he took.

1335. The purport of this letter, as I understand, is that the solicitor having the charge of the sale indicated to Mr. Devenish that in his opinion the court will certainly sever this land from the rest of the estate, and exercise its own judgment as to the propriety of doing so, if the sum offered is a fair and proper one?—Yes, that is correct.

1336. And that therefore Mr. Burke had a full knowledge that that was the practice of the court in this particular respect?—He had. That letter was written after a communication between Mr. Mease and myself, at which Mr. Burke was present.

1337: Then



Chairman—continued.

1337. Then I understand you to say that that is in fact the course pursued in your branch of the court at all events?—Yes; in my branch of the court.

1338. Have you read Mr. Dobbs's evidence upon that part of the question?—I have.

1339. It appears from Mr. Dobbs's evidence, that in his branch of the Landed Estates Court a somewhat different practice has been followed?—A somewhat different practice.

1340. The judge or examiner of that branch of the court has not been in the habit of exercising an independent opinion upon this point, but has in all cases accepted the opinion of the vendor or the solicitor having the charge of the sale of the estate?—I do not know that that is so with respect to the judge. I rather think that Judge Flanagan has exercised an independent judgment at times, but I think that Mr. Dobbs has not.

1341. I understood Mr. Dobbs to say that the judge had acted upon the same principle as himself; at all events the effect of Mr. Dobbs's evidence is that he has not followed the same practice as you have?—Certainly not.

1342. And that you have read the 46th clause of the Act somewhat differently?—Yes, I thought it was put upon us to make a lot to suit a tenant, if in our judgment we could do so without hurting the owner. Mr. Dobbs, I presume, thought that the judge was to exercise that discretion. I come to the conclusion from the way in which our rules are drawn up that I was to discharge that duty, subject of course to appeal to the judge.

1343. I asked Mr. Dobbs this question?—"3096. Are you aware that Judge Ormsby has decided in a particular case that a farm should be put up separately against the will of the owner, and made the owner pay the costs of the appeal?" To which he replied, "I understood that he did make an order in one case of that nature; it was a strong order I think. (Q.) You do not agree with him?—(A.) I do not. (Q.) Do you think it unjust?—(A.) I would be very sorry to say that it was so, because I have not the facts before me, but at the same time I think it was a strong decision. (Q.) Then you, in your practice, have not been guided by that decision?—(A.) Until a few days ago I was not aware of that decision; it had not come under my notice. (Q.) I want to know whether you have been guided, as a rule, by the opinion of the owners, or of the solicitors, or of the circumstances?—(A.) I have as a general rule been guided by the opinion of the owners." That seems to indicate a course different from that which you have pursued?—I of course pay a certain deference to the opinion of the owner in a matter of this kind.

1344. You still consider that you were bound under the 46th section of the Act to exercise an independent judgment?—Yes; if I had not been coerced I would not, for it is a very strong thing for me to say that the owner is to have his estate letted against himself whether he liked it or not.

1345. Have you done so occasionally?—Yes, and I was quite prepared to do so in this case.

1346. Have there been many cases in which you have done so?—No.

1347. Can you give the Committee an idea of the number of cases in which you have been able to exercise an independent judgment, and overrule the wishes of the owner?—I have done so 651.

Chairman—continued.

several times, I daresay, but I could not give an idea of how many times; it is a thing rarely done, because the owner is generally satisfied with the upset price; if the tenants ask me to let so that the property would be hurt I refuse to do it, and it is not often that the owner objects to the ruling I make, but he does so occasionally.

1348. Where, in your opinion, a small holding can be separated from the remainder without any substantial diminution of value of the remainder, you have recommended the owner to agree to an upset price; and in most cases, or a very great many, as I understand you, the owner has agreed to that upset price, has he not?—In the great bulk of the cases that is so.

1349. I wish to know whether in any cases you have allowed holdings to be put up separately at an upset price somewhat higher than what I may call the market price of the land, on the ground that, but for the increased price, it would certainly interfere with the sale of the remainder of the land?—I have often done that with the assent of the owner, but never against his assent; I never speculate upon what the unsold lot would sell without the consent of the owner.

1350. I wish to understand exactly what your practice has been; as I understand, you have never acted against the wish of the owner, where the owner has said that the sale of a lot separately would interfere with the sale of the remainder?—If I agreed with the owner in that opinion.

1351. Have you always agreed with the owner in that opinion?—I have always agreed with the owner in that opinion where a lot divided the estate. I have not always agreed with him where a lot was an outlying bit.

1352. A case where you have exercised an independent judgment, and have advised the owner to accept your decision, and were prepared to act against the wishes of the owner, would be where a small lot was adjoining the remainder of the holding, but could be so separated as in no way whatever to diminish the value of the remainder?—Quite so.

1353. But where, instead of being separated from the other adjoining property, it was part of the whole lot, and the owner said it could not be separated from the remainder of the property without loss, then you have in all cases followed the wishes of the owner, and have refused to separate the property?—I have very often refused to separate the property, but I have often persuaded the owner that it was desirable to do so.

1354. But you have never in such a case acted against the wish of the owner?—Never to my knowledge.

1355. Mr. Dobbs goes a point farther than you, and has never in any case acted against the wish of the owner?—So I understand his evidence.

1356. The difference between you is this: you consider the 46th section of the Act directs you to come to an independent judgment, and you have come to an independent judgment in some cases, but not in all, as I understand, whereas Mr. Dobbs has never come to an independent judgment, but has always acted on the wish of the owner?—I consider that I have come to an independent judgment in every case. I have

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Mr.  
AP'Dowell.  
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1872.

Mr.  
JF. Darnall.  
11 March  
1873.

Chairman—continued.

agreed with the owner in thinking that there was a real risk of loss.

1357. You generally follow the wish of the owners?—I have followed the wish of the owner, because I did not think that I should be justified in saying that the estate would not suffer loss.

1358. Let me suppose the case of a lot put up, consisting of say 10 or 12 separate farms, and suppose five or six of the holders of these farms were prepared to buy, and the remainder were not prepared to buy, have you ever proposed to the owner that these farms should be put up separately, at an increased price, which would recompense the owner for any possible loss upon the sale of the remainder?—I do not know exactly what you mean by my proposing it to the owner; where I have seen a very smart upset price offered, I have recommended the owner to take that; I have said, "This price is so good that it is worth your while to run some risk with respect to the rest."

1359. Has there been such a case?—Yes, in that case of the Southwell Estate, it was so.

1360. Can you state the details of that case?—There were a number of small tenants who were anxious to buy, and there were one or two cases in which the subdivision was calculated to damage the estate, but I thought the price offered for these separate lots was sufficient to recompense the owner for the subdivision, so I advised him to run the risk of it.

1361. In such cases as that you do not act against the wish of the owner; you would not say: "In consideration of the higher upset price, I will direct these lots to be put up separately, leaving the owner to the chance of realising a small price on the sale of the remainder?—I would do so, if the upset price were so good as to make it certain that there would be no loss to the owner; but the upset price is never so good as that, therefore as a practical matter I should not put the lots up against the owner's wish. If a man gave any extraordinary upset price, such as 40 or 50 years' purchase, I might put the lot up, but practically these cases do not occur.

1362. I observe that there is another difference between your practice and that of Mr. Dobbs', namely, in the case of prior charges, in the nature of a jointure?—Yes.

1363. I understand from your evidence that where a jointure was existing in the nature of overriding the whole of the property, you were unable to put up the property in such a manner as that the tenant could buy the farm free from the charge?—That is so.

1364. On the contrary, I find that in Mr. Dobbs' branch of the court that course is not unfrequently followed?—It has been followed.

1365. Does that arise from a difference between two judges of the court upon this point?—And also between the two examiners, for I held that view when I was examiner to Judge Fitzgerald.

1366. There has been an agreement between the judge and the examiner?—Yes.

1367. And a disagreement between the two judges and the two examiners?—Yes.

1368. So that in one court facilities have been given to tenants to buy in those cases, and in the other they have not?—Quite so; last year the Southwell's case came before me, I held it over, to bring the matter before Judge Ormsby, be-

Chairman—continued.

cause, though my opinion was not changed in the least, I thought it right to bring the matter before the judge under whom I was serving, and he agreed with me, and refused to sell. The jointures subsequently died, and we were able to make lots to suit the tenants.

1369. There is another matter upon which I would wish to ask you a question, and that is with regard to Part 2 of the Act. I think you admitted that Part 2 of the Act, which was for the purpose of facilitating sales between landlord and tenant by agreement, not sales coming before your court in the ordinary course of business, had been an almost total failure?—A complete failure.

1370. Can you suggest to the Committee any method of improving that part of the Act with a view to increasing its results?—I think that the costs of showing title to small detached portions of land will, in our time at least, be so great as to make it impossible.

1371. Can you suggest any method of improving that state of things, would it not be possible, for example, that the court should be satisfied with something less than the full title which they now require in cases of property sold ordinarily in the court?—I presume you mean with a view of giving a Parliamentary title.

1372. Not necessarily with a view of giving a Parliamentary title, but with a view of selling and charging the property with a Government loan. I observe that, under the terms of the Act, the proceeds of the sale are to be invested either for the purpose of buying other land settled to the same use, or in paying off the encumbrances on the property?—I think the Treasury would object to that; I think there is a clause in the Act of Parliament that if we sell we must get the purchase money into the hands of the person who has the right to it without any costs, and I do not think the Treasury would like to pay compensation in the event of our misapplying the purchase money by reason of an insufficient title.

1373. The money is to be invested in land settled to the same use, or in paying off the incumbrances on the property. In such a case, do not you think that the court would be satisfied with something less than the full title which is ordinarily required in your court?—Possibly it might, but I do not think that that would greatly diminish the expense.

1374. Do not you think that it might facilitate the process if the money were allowed to be invested in other securities, such as railway bonds, and so on?—It might, but I do not think it would aid the matter sufficiently to give it effect. Of course any extra return for money that you can give will induce a few more people to come in, but I do not think that it would be a sufficient set-off against the costs.

1375. The real difficulty of this Act then is the expense of showing title?—It is the expense of showing title.

1376. And that rests in favour of the landlords?—Yes, it does.

1377. Are you in favour of a modification of the law in respect to settlements?—I am.

1378-9. Would you recommend the abolition of entails?—I would.

1380-1. You think that that would have an important effect in diminishing the expense of land transfer?—Yes, I do. That is at the root of all

Chairman—continued.

all these questions. They have introduced a record of sales in Ireland, and a register of titles in England. You cannot have anything of the kind complete and effective until settlements and entails are done away with. Primogeniture does not increase the costs, but there are other objections to it founded on natural justice.

1282. Your opinion upon that point is derived, therefore, from another point of view?—Yes, it is.

1283. As regards the power of entailing, you consider that if that were greatly reduced, or entirely done away with, it would have an important effect upon the cost of land transfer?—It would have an enormous effect.

Mr. Phœket.

1284. I believe that before the passing of the Land Act, in 1869, you were one of the Committee who considered some proposal for the gradual creation of a farming proprietary in Ireland?—I was.

1285. Do you know whether the views arrived at in that Committee were afterwards submitted to the Government of the day?—I believe they were.

1286. And you regard the clauses of the Land Act, which are known as the Bright Clause, as an attempt to give effect to these suggestions, do you not?—I think in some degree they are.

1287. And I suppose, also, the clauses of the Church Act, which are intended to facilitate sales to tenants, are part of the same policy?—Very probably.

1288. Have you heard of Mr. Vernon's suggestion for the purpose of giving still further facilities in the same direction?—I have.

1289. Then you have, of course, in your office as Examiner of the Landed Estates Court, the opportunity of watching very closely the development of these proposals on the Land Act?—I have.

1290. Have you given some attention also, as far as you could, to considering the development of the same principles under the Church Act?—I have given some attention to it, but I have not had much opportunity of doing so.

1291. Have you considered the evidence which has been given upon that subject to the Committee?—In a general way I have, but I have not seen all the evidence; I have only partially seen it.

1292. I will first take the operation of those clauses in the Church Act before we come to the Landed Estates Court. It has been represented to the Committee that the operations of the Church Commissioners in that way have been a very great success. What opinion have you formed as to the true character of these dealings?—I do not think they are so great a success as the Church Commissioners seem to think.

1293. Why do you say that?—I think that the 800 cases of re-sales look very much like as if they were not creating so many cases of tenant proprietors as they thought they were.

1294. Will you explain that a little further?—As I understand the evidence which has been given before this Committee, there are as many as 800 cases of the sales under the Church Commissioners, which are called sales to tenants, where, in fact, the tenants have immediately

Mr. Phœket—continued.

parted with their interest, and have not been made proprietors at all. They have got some little profit by their right of pre-emption, which they have immediately parted with to somebody else. That transaction may be useful to the tenant, but for any purpose of creating tenant proprietors it is perfectly worthless. I have no statistics to show that, but judging from these 800 cases, and from what I hear in conversation, it is a very common thing for a tenant to exercise his right of pre-emption merely for the purpose of selling to somebody else, getting a little profit in the transaction. There are no tenant proprietors created by that operation, but only a small sum of money, or a large sum of money, as the case may be gained, by the tenant.

1295. Do you consider that the Church Commissioners have sold above or below the market value of those tenants' holdings?—I am disposed to believe that they have sold below the market value.

1296. What makes you think so?—A statement in the Report of 1876.

1297. Which statement?—That the Church Commissioners offered the land to the tenants at 22½ years' purchase, that the tenants refused to buy it, and that the general public bought it at 22½ years' purchase; that is to say, the Church Commissioners were offering the land to tenants at less than the public would give for it.

1298. You are speaking of the residue, are you not?—If that applies to the residue, it is an *ad fortiori* case, because the residues are for the purpose of sales to the public generally the less valuable portions of the property.

1299. Do you think that tenants of such holdings being offered an advance of three-fourths of the purchase-money of their holdings, and not having themselves the other fourth to produce, would be likely to borrow money in order to take up the purchase?—If I am right in my conjecture that the holdings are being offered to them at a low price, I am pretty sure they would; it would be a great temptation to them to do it.

1300. Do you think that would involve any danger to the position of those tenants, and danger to the State of the loans in the event of some two or three bad seasons following each other?—I would be very apprehensive of it.

1301. In the event of a tenant so borrowing the fourth, which he could not get from the State or from the Commissioners, would he be able to borrow that other fourth upon the security of his holding, or would it have to be upon his personal security?—In the case of the Church Commissioners, he can give the security of his holding.

1302. But suppose this principle of lending three-fourths were applied to such transactions in the Landed Estates Court, and a tenant desired to raise the other fourth, he would in that case have to borrow upon his personal security?—Yes; he could not borrow upon the land.

1303. And therefore, of course, upon less advantageous terms as to interest?—Yes, probably so.

1304. Would you compare, as far as you can, the transactions in your own court corresponding with those which you have been describing under the Church Commissioners as regards the average size of the holdings which have been thus sold?—As far as I recollect the figures, I think the average size of the holdings in the Landed Estates Court is much the larger. I think the average

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is about the value of 1,000 *l.* a-piece, while I think the average size of the Church Commissioners' sales is about 140 *l.* a-piece.

Chairman.

1405. That is the average price of holdings actually sold to tenants in the Landed Estates Court?—Yes; and of those actually sold to tenants by the Church Commissioners.

1406. Is there any return which would show what is the number of actual holdings in respect of property sold in the Landed Estates Court, as distinguished from the number of holdings actually sold to tenants?—No, there is no return of the number of holdings.

Mr. Plunket.

1407. Do you consider the difference between the power of borrowing three-fourths in sales of this kind made by the Church Commissioners and the power of borrowing only two-thirds as it exists in the case of the sales under the Landed Estates Court; has it had any considerable effect in deciding the kind of tenant purchasers who have purchased?—I think it must have a considerable effect. I believe the reasonable probability is, that purchasers in the Landed Estates Court had more capital; that they were men of more substance, and that they were very unlikely to sell again, because having bought their land at what I may call the full market value, there was no immediate saleable interest in the land. In the case of the Church Commissioners' sales, I have reason to believe that the tenant was offered his farm at something under the market value, and therefore had a strong inducement to borrow, because there was a margin of profit which he might thereby secure for himself.

1408. Then your opinion is that these purchases by tenants, such as you have described in the Landed Estates Court, more truly carry out in a *bona fide* sense the policy of the creation of the class of tenant farmer proprietors than the sales under the Church Commissioners?—I think they do.

1409. Do you think that these dealings in your Court, this bargaining, as it were, between the outgoing landlord and the tenant for the sale of his holding to him as proprietor, has set a good example in Ireland?—I think it is likely that if we succeed in getting good prices from the tenants, there will be an inducement given to other landlords to deal with their tenants when they are selling, instead of making such lots to suit the general public; as a matter of policy I have been anxious that the tenants should give a good price in the interest of sales to tenants, because I thought it likely, if you could let the selling public know that the tenants were good purchasers, that then the thing was likely to work of its own accord. I must admit that at first there was something of an indisposition to deal with the tenants. The sellers were afraid of the trouble and expense of the huckstering process, and I was exceedingly anxious that the prices from the tenants should be very good, in order that one might be able to show that it is the interest of landlords to deal with the tenants. I do believe that the prices given by the tenants when they have the money, are better than those given by the general public. I would be very anxious to have that fact established, because I

Mr. Plunket—continued.

believe that fact is at the foundation of any considerable success of the system of sales to tenants.

1410. I suppose you would not be in favour of excluding any class of tenants, however small, from the opportunity of purchasing their holdings?—No, if they had the money I would deal with every class of tenant. I think it would be a good thing for the country to have every kind of proprietor of every size, both large and small. If the tenant is in his degree a solvent man, I would be very anxious to deal with him whether he had a large farm or a small one.

Chairman.

1411. Do you agree with Sir Frederick Heygate that it is not expedient to facilitate purchases by tenants of holdings below a certain point?—No, I would facilitate them all.

1412. Do you think it equally important that a very small tenant should have the same opportunity of buying his holding as a large tenant?—I do.

Mr. Plunket.

1413. As I understand, your view is this: that in all cases the tenant who purchases should be a *bona fide* purchaser, and give some of his own money towards the transaction?—That is the limit which I would put.

1414. Is it your opinion that by offering three-fourths of the purchase money, as is done under the Church Commissioners, there is a tendency to stimulate what is not a *bona fide* purchase at all, on the part of a very small tenant?—Taken with the fact that I believe the Church sales have been upon rather a cheap scale, I think there has been a tendency to stimulate that description of purchase.

1415. Do you think that limiting the advance to two-thirds of the money by the State, as is the practice in your Court, operates by way of what I may, perhaps, call a natural selection of the tenants who are fitted to be prosperous as tenant proprietors?—I do, and I think it is a useful one on that account.

1416. Turning for a moment to the plan suggested by Mr. Vernon, do you see some considerable advantages which are likely to arise from such a proposal?—I do.

1417. Will you state to the Committee what those advantages are?—I think perhaps, in the first place, it would relieve the Landed Estates Court from conflicting duties; and in the next place, I think it would enable what I may call the undisposed of residues to be dealt with, which it is always a matter of great difficulty with us. We have great difficulty in pressing the owner to sell to tenants where there are small scattered farms through his estate, which would be left upon his hands; and I think in many cases a Commission, such as Mr. Vernon suggested, could deal with them in a manner calculated to benefit the tenants very much, and possibly in many instances, at a not unreasonable cost. I think it would have that advantage certainly; it is a question of cost, but I am afraid it would sometimes be costly.

1418. But before you come to the disadvantages, I just wish to ask you about the advantages of such a Commission; do you think it would in effect very much expedite the process of creating small proprietors?—I hold rather unpopular opinions

Mr. Plunket—continued.

opinions I perceive about that matter. I do not think that at first you could increase the number of these small proprietors rapidly or greatly. I think it might perhaps double the number we are creating, or perhaps a little more; but still, as enthusiasts expect the thing to work, it would be a very slow process, and would produce but a very small effect.

Mr. Bruce.

1419. Why could not you increase the number of small proprietors very rapidly under that plan?—I am assuming that you would require them to have some portion of the purchase-money, say one-third of the purchase-money, and the number who have that is limited.

1420. Do you think that this class of farmers in Ireland, who are possessed of sufficient money to invest in their holdings, does not exist to the extent which is supposed?—That is my opinion.

Mr. Plunket.

1421. Now may I ask you as to the probable expense, in your opinion, of the working out of such a plan as Mr. Vernon suggested?—It would be difficult to say what the expense might be; it would depend entirely upon the vigour with which it was pushed; if it were pushed with a view to a great success there would be large residues to be dealt with, and these residues would entail loss. For every extra pressure which was put on to induce extra sales to tenants, the expenditure would be increased. I would be afraid if it were worked with spirit, so as to increase the number of sales to tenants, there would be an amount of land left on hand which it would be difficult for a public body to deal with.

1422. Now supposing that Mr. Vernon's plan were not adopted, and that you were still desirous of giving increased facilities to purchasers by tenants of their holdings, when property came to be sold by the Landed Estates Court; in fact, under the present system, what are the improvements which you would suggest within your own Court?—I mentioned such improvements as I thought were capable of being worked last year; the only thing I have to add to them which I can think of, short of Mr. Vernon's proposal, and which might possibly aid occasionally—

1423. But before going to that part of the subject, I understand that the improvements which you suggested last year were to modify the law in regard to easements?—Yes, and the difficulties with regard to jointure, and I suggested, but with some diffidence, that the money should be advanced at our direction, and not at the direction of the Board of Works, with a view to saving the tenant the necessity of going to the Board of Works. I do not know whether the judges of the Court would be favourable to that proposal, but it would save expense.

1424. Do you think that by giving earlier notice to the tenants, their facilities for taking advantage of an opportunity to purchase might be increased?—Yes; if you gave a tenant earlier notice he might look about him earlier; still, at the same time, I see a difficulty about the expense of such a notice, because the owner may not be willing to bear it, and we have no fund upon which we can throw the costs. I would hesitate to order the owner to do something for his tenant's advantage, and not for his own, the costs to be borne by himself and not by the tenant.

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Mr. Plunket—continued.

1425. Have you any suggestion to make with regard to advancing money to tenants to buy adjoining holdings when on an estate which is about to be sold containing a number of tenants; where many of the tenants can afford to buy, and a few cannot?—Yes, the law at present is that if four-fifths of the tenants on an estate are prepared to buy, and an outsider will buy the remaining fifth, then the outsider may get an advance equal to the half. Now I sometimes find this, not that four-fifths of the tenants on an estate are willing to buy, but that there are four-fifths of the tenants upon a particular lot who are willing to buy. In that case the Board of Works have not the power of advancing the money, because it does not come within the terms of the Act of Parliament. I think if the purchaser had the power of getting an advance founded upon the lot as the unit, and not upon the estate as the unit, you might facilitate the dealings in that case. Sometimes I allot an estate; the place is divided into lots, and then the tenant purchasers can select what they think are judicious lots. For example four tenants are prepared to buy, and the fifth I cannot deal with. If we could get an advance of a half or two-thirds for one of the neighbouring tenants, he might buy that lot, and we should dispose of it in that way. But I should mention that a sale of that kind would be very unpopular with the tenant whose farm was bought by a neighbouring tenant, and it might be a reasonable thing to consider the propriety of stipulating for a lease to him. The tenants are exceedingly afraid of having their co-tenants for their landlords, and it would be an uncomfortable thing for the tenant whose farm was bought over his head in that way. If it were possible to secure for him a fee-farm grant or a long lease, it would facilitate the sale of the whole of the land.

1426. Of course the Board of Works is very closely bound by the words of the Act of Parliament, and also I believe by the very strict hold kept over it by the Treasury, and moreover it also has to act in almost entire ignorance of the circumstances of the holdings upon which it is required to make advances; is not that so?—I think they have to act in considerable ignorance, but of course they may make inquiries like any other lender if they choose; still they are placed on doubt in a very difficult position.

1427. Do you think it would make their position easier, and perhaps make the granting of loans more frequent, if there were attached to the Board of Works some officer in a position corresponding to Mr. O'Brien's position in the Church Temporalities Commission?—I do not think it would make their position easier, for I think you would be throwing serious responsibility upon them; but it might often lead to dealings with the tenants, because a man of that kind could give the tenants advice and information, and let them know in a general way beforehand what they might expect from the Board of Works. I think it would not diminish the responsibility or trouble of the Board of Works, but would be a very useful thing.

1428. That was rather the sense in which I asked you, whether it would diminish the trouble or responsibility of the Board of Works or not; supposing an officer were sent down by the Board of Works, we will say when an absolute order is made for the sale of a property in the Landed

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Estate Court, to inquire upon the spot what the wishes of the tenants purchasing may be, and also to give information to the tenants, and explain to them as fully as he could what the opportunities which would be afforded to them by the Board of Works to borrow the money would be; do not you think that that would have very much the same effect as Mr. O'Brien described his operations as having in acting for the Church Commissioners?—I think it would be a considerable degree, but of course not so fully as in Mr. O'Brien's case, because the Church Commission, acting as owners, can do what they like, whereas the officers of the Board of Works acting under the control of the Treasury would not be able to enter into such absolute arrangements with the tenant.

1429. And supposing any officer having interested himself on behalf of a tenant, attended you at the time you were settling the rental in the Landed Estates Court, and was there to explain to the Board of Works and the tenants there, what opportunities they would have for borrowing from the Board of Works; would not that be a greatly increased facility and convenience?—It would be an enormous convenience.

1430. The tenant would not have to go up to the Board of Works then, and fight a second battle about his purchase?—That is so, and is the reason why I suggested our advancing the money instead of the Board of Works. Your proposal would have this great advantage, that if it were acted on we would not be responsible.

1431. You would not have to intervene between the seller and buyer to the same extent as you do now?—No.

1432. That would secure to a greater extent some of the advantages which you have seen in the plan proposed by Mr. Vernon?—It would not, of course, meet the question of the residue; but it would meet many of the other objects.

1433. I suppose it is obvious that it could be worked at much less expense to the State than the question of a new commission altogether?—Of course, but the real expense of Mr. Vernon's commission would be the expense of disposing of the residue; that would be a matter which would just turn upon the amount of deal with which they went into such a transaction; if they went into it largely, there would be a great amount of residue thrown upon their hands which it would be difficult to dispose of, whereas if they went into it with great caution they would produce few tenant-purchasers.

Chairman.

1434. You would be afraid that there would be a loss owing to the amount of residue created?—Yes.

1435. Is that fear grounded upon the difficulty of obtaining a fair price for the residue?—Yes; and a public body like that are not in a position to get the best price for anything.

Mr. Piuslet.

1436. Supposing such an alteration as I just threw out as a suggestion were made, would you still retain the limit of advance to two-thirds instead of three-fourths?—I would.

1437. Would you maintain the same rules as regards non-alienation and sub-division as exist at present?—Practically I would. I think it

Mr. Piuslet—continued.

will be a reasonable thing to allow a tenant, as soon as a considerable portion of the charge was paid off, to borrow if he pleased; but I would not allow him to borrow at the outset anything; I would make him produce his third himself.

1438. When you say "a portion of the charge was paid off," what portion have you in your mind?—I think if you put him in the position of a first-class creditor, who had mortgaged his land to half its value, you might free him as regards the mortgage, and let him borrow like any other man, as the loan to the State would be so well secured; but I would put this limitation upon it to guard against very small cases; that I would always insist upon at least 100*l.* of the loan being paid off. The reason I mention that sum is that that it is a necessary margin for the Treasury, and it is of great consequence to see that the loan is perfectly secured, and in very small transactions the half might not represent the costs of the sale. Therefore I would always insist upon 100*l.* as a minimum margin to the State.

1439. Do you consider that it would be a calamity for the country if there were further sub-division, or sub-division upon a great scale beyond what there is at present?—Under the restrictions I have suggested, I do not think that need be feared.

Chairman.

1440. What do you mean by this margin of 100*l.*?—You must reckon in the event of the tenant making default, what the costs of the resale might be, and I would put them roughly at 100*l.*; I say in any event the State must have a security of 100*l.*; that is to say, supposing a small tenant buys a 150*l.* lot, I would not allow him to begin borrowing until the State had a margin of 100*l.* to go and come upon; that is to say, I would not permit him to borrow on the security of his farm until his debt to the State was reduced to 50*l.*

1441. You would approve of a relaxation of the rule against alienation, provided there be always a margin of 100*l.*?—Provided there is a minimum margin of 100*l.* which would increase to half the value of the estate.

1442. Suppose the State has advanced two-thirds of the purchase money originally, and that by lapse of time a portion of that has been paid off, you would allow of a relaxation of the rule about alienation, always provided there was a balance of 100*l.* in favour of the State, or at least one-half of the purchase money?—Yes, at least one-half of the purchase money or 100*l.*, whichever is the greater amount.

Mr. Piuslet.

1443. I suppose under such conditions as these you see no reason why the Church surplus might not, whenever there is such an available surplus, be applied to that purpose as well as any other?—No.

1444. That is merely a question of general policy, not affecting this particular matter which is now before the Committee?—I think it is also of importance, in this way, that you might, perhaps, look upon that as an Irish Fund, and be subject to the strict control of the Treasury; for there is no doubt that the Board of Works have been dreadfully hampered by the Treasury rules in the matter. I do not say that public funds

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funds should not be strictly controlled, but I think that the kind of control which has been exercised by the Treasury over the Board of Works has been very unharmonious to them, and one or two motions which have come before the judges have shown the application of very impracticable rules on the part of the Treasury.

Mr. Bruce.

1445. I think you stated that you would be disposed to relax the rule with regard to alienation by the tenant; if a certain portion of the purchase money had been paid off, you would then allow him to borrow money on the security of his holding?—Yes.

1446. Would you allow him to assign the whole of his holding to another?—I think it is perhaps a wise thing to let the State have a word to say about that, but I would say this, that if the whole estate were assigned to a single purchaser, it would not be an imprudent thing to allow alienation. At present, the Treasury have the right to permit such a thing, and I assume they would not capriciously refuse to permit alienation.

1447. But you do not draw any distinction between alienation and assigning the whole of the holding?—No.

1448. Now supposing that A. was the owner of property, near which there was another property which was offered for sale in the Landed Estates Court, and that A. wished to purchase this property, and were to go to the tenant who held this property, and to say, If you will buy all your holdings, and afterwards when the time comes, if you can do so, transfer them to me, I will give you a certain percentage; would it not be very much more to the benefit of A. to buy the estate in this way than to buy it in the Landed Estates Court?—I do not think it would.

1449. Would he not gain the advantage of the advance to the tenant of part of the purchase money?—On the other hand, he would have bought the estate at a high figure. I have mentioned that we sell to the tenants at a high figure. The sales in the Landed Estates Court to tenants are all at a high figure, and will not bear any considerable rise. I doubt if the tenant could even sell his property at the figure that we sell it to him; I do not mean to say that a particular instance might not arise, but generally, he could not realise any profit on the price he buys it at in our court.

1450. Supposing the whole of the tenants on an estate wished and agreed to buy, would the figure which you and the Landed Estates Court agreed to sell to them at, be that very high figure of which you speak?—It is usually so; I am put to sell the property at a figure which will not hurt the estate which I am huckstering, if I may use that term, and I must judge by that; you will see that the tenants generally pay a year-and-a-half, or two years more purchase than the general public.

1451. I understood that the reason why you asked a higher price from the tenant than from the general public, was to recoup the owner for the possible loss upon the residue?—Certainly.

1452. But suppose there was no residue, but that the whole of the property was to be sold to the tenants, would you expect a higher price?—0.51.

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then?—I would certainly expect a higher price, and the owner would certainly not sell the property to the tenants in that way, unless he got a higher price, because it is a more troublesome thing than selling to the public; he would expect, if he became a huckster, to have hucksters' profits; he is put to a great deal more trouble and expense in selling piecemeal to tenants, and he has also always to estimate some losses on the residue of some portions unsold. The tenants will always, if they desire to buy, have to pay something more than the market value.

Mr. Vernon.

1453. Would that be the case if the whole of the estate was sold?—I think so; the owner would not otherwise be at the trouble of breaking up the estate into lots. There is a very great deal of trouble, and, penitentially speaking, there is always some risk, more or less, because you may throw out of account the rare cases in which every tenant on the estate can buy.

Mr. Bruce.

1454. Is it the fact that the passing of an estate through your court, which is sold in lots to the tenants, is a more expensive process to the owner than if it were sold to private purchasers?—Unquestionably, a considerably more expensive process.

1455. The whole of the extra expense for lotting, and the separate conveyancing falls upon the seller, does it not?—No, the expense of conveyance does not fall upon the seller, nor does the expense of lotting if the tenants buy at auction; but if they come in and buy before it has been put up to auction, and ask me to put it up to suit them, then the expense of lotting falls upon the seller.

1456. But suppose the tenants all agree to purchase their holdings, that would not be selling it piecemeal?—That would no doubt be a sale of the whole estate, but it would be necessary to ascertain the boundaries of the various farms which we do not require to ascertain otherwise; and it would be also necessary to ascertain the easements and rights of way which exist. There are many expensive little operations which have to be gone through when properties are divided into lots to suit the tenants.

1457. The result of your evidence is, that in any case it would be necessary for the tenant to pay, say two years' purchase more for the purchase of his holding than it would be necessary for another purchaser to do?—I do not say it would be necessary for a tenant to pay as much as two years more. As a matter of fact the returns show that we have sold to tenants at two years more than the price given by the public; but I do not say that would be necessary to cover the extra expense. I think it would more than cover the expense, but I say that a landlord when he is making sales to his tenants feels that he is dealing in a small way, and expects the profits which small dealers get.

1458. Would not that apply to an estate in which the tenants had placed their interest in the hands of a commissioner, so to speak, who went into court, and himself purchased the estate, being under an agreement to divide it into lots afterwards among the tenants?—I think it would, and still more than at present.

1459. The expense of lotting and these other expenses

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expenses which you spoke of, would not in those cases be undergone by the sellers?—Of course, if the commissioner buys, the seller has not to stand those expenses at all.

1460. In that case there would not be this addition of one or two years' purchase-money payable by the tenant?—There might not be, but I could hardly say, because when the commissioner went in to buy there would be a very prevailing idea that he was a man who could be squeezed up. The sellers would feel that they had him in their power.

1461. My question referred to a purchase in the Landed Estates Court, by a person holding on behalf of the tenants, and not by a person employed on behalf of the public?—The tenants would in some instances prefer to do that. In the case of the sale of the Waterford Estate, that was what was done, and then the tenants had to bear the costs themselves of re-letting the estate.

Chairman.

1462. You do not mean such a commissioner as Mr. Vernon suggested?—No; I had thought the question alluded to such a commissioner at first.

Mr. Brown.

1463. Then in that case the additional price of one-and-a-half or two years' purchase, of which you spoke, would not in fact have to be paid as purchase-money by the tenants?—No, but they have the cost then of re-adjusting the estate for themselves, and re-casting the rental, and adjusting the rights of way.

1464. In my hypothetical case, that the tenants wished to assist the commissioner to buy the whole of the estate, giving their privileges of obtaining a portion of the purchase money, that re-alignment would not be necessary, would it?—Yes, it would, because the Board of Works would only lend the money to each occupying tenant, and complete the transaction with him; they would not be able to do what the Church Commissioners did, namely, hand over the sale to A. B. A loan from the Treasury, it is made to the occupying tenant, and nobody else, therefore they would have all to complete their purchase as they do at the present time, and take out their conveyances individually.

1465. Then you do not think that the advantages conferred upon the purchaser by obtaining an advance of a large portion of the purchase-money would be sufficient to recompense him for those additional expenses which you speak of in purchasing from a neighbouring tenant?—I think not.

1466. Are you aware whether anything of the sort has been done in the case of lands purchased from the Church Commissioners?—They state it themselves that there have been 800 such cases.

1467. But in your court the law prevents such a thing from being done?—It might perhaps be done, but practically it could not be done with profit.

1468. There is no enactment of law which prevents it being done, is there?—At present there is, what comes to the same thing, because a tenant cannot assign while any portion of the money is owing to the Board of Works; he would have at present to pay off the whole of

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the loan from the Board of Works before he could assign any of his property.

1469. You spoke of the difficulty of disposing of the residue of an estate, part of which had been disposed of to tenants, if the residue were vested in the hands of a public body; now what is that difficulty?—That they cannot look to the minute details of a sale, and that they do not look in the way that individuals look to their interests; they would practically be selling, just as we see the Church Commissioners are doing. With every desire to get the best price I do not believe that they will succeed; it is impossible for men so circumstanced to squeeze out the full value.

1470. I suppose it will never do to allow the residue of an estate to remain an indefinite period in the hands of a public body which was charged with its sale; it would be necessary for them to sell it as soon as possible, would it not?—If they cannot possibly sell without avoiding a loss, it would be necessary to empower them to hold it for some time.

1471. I think that your proposition was, that there should be an officer of the Board of Works who should go down to an estate which was about to be sold, and should form a sort of go-between, between the tenant and the Court?—That is not my proposition; that is, as I understand, Mr. Plunket's proposition, but I think an officer of that kind would be a great advantage; he would undoubtedly facilitate the sale to tenants.

Mr. Plunket.

1472. I merely suggested that to you as a possible plan which might be marked out, and asked you for your opinion upon it?—That is what I mean.

Mr. Brown.

1473. But your opinion has been rather favourable to such a plan?—I think it would be a very useful thing.

1474. And you express one of your reasons for recommending it as favourable, that your Court would not be then in a position of safeguarding the interests of buyer and seller?—Quite so.

1475. In that case you would only be the guardian of the interest of the seller?—Quite so.

1476. But in guarding those interests should you have any more power than you have now, or any more disposition to give facilities to tenants in the purchase of their holdings; are you not now in some degree compromised in giving those facilities, by feeling that the interest of the tenant is in conflict with the interest of the owner?—Yes, of course; that is the difficulty that I feel.

1477. If you were relieved from the difficulty of being, as it were, the guardian of the interests of these two parties, and were placed in the position of being the guardian of the seller, possibly you might be less willing to relax your wish to preserve the interests of the seller than you are now?—I think I would probably hold the same opinion in that matter, but I should have the advantage of a man acting on behalf of the tenants, conducting therefore the negotiations between them, which would facilitate the transaction; personally, of course, I would be equally

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Mr. Bruce—continued.

anxious in both cases, but I think it would be a very useful thing to promote sales to tenants, so far as it could be carried out.

1478. I think, in answer to the honourable Chairman, you stated that you thought there might be some facilities given which would help the sale of holdings to tenants, if the restrictions which now exist, as regards charges and jointures, were in some degree relaxed?—Yes, I thought that the difficulties with regard to jointures might be relaxed with perfect safety, and that would facilitate the operation occasionally.

1479. Without any risk to the owner of the jointure, or the charge?—Yes, I proposed that the jointure, or charge, should come before the Treasury loan; that is the bone of contention between us. At present, if we permit the tenant to take an advance from the Treasury, that advance takes precedence of the jointure. At all times I have myself felt that it was a strong thing to postpone a lady's jointure, although there was sufficient margin for it; I thought it a cruel thing in the case of a lady who did not understand business to tell her that she was postponed; the jointure was naturally frightened by it, and said, "I cannot agree to that; if the security is perfectly good, why cannot the State take it as well as I?" We could not put the risk and anxiety on her, and consequently refused to postpone her jointure. I think, if the law were altered the Board of Works is in a position to judge whether it was perfectly safe to make the loan subject to the jointure.

1480. Then you have not altered your opinion of last year, that the owner of a jointure should be placed in an indefensible position?—Not in the least. I am quite convinced that it is an oversight in the Act of Parliament, because the loan by the Board of Works is subject to rent; if we are selling a free-farm estate the Board of Works will take subject to rent; but a jointure is a less dangerous thing, because that will die with the lady, and might be put first without any grumbling at all. It would be a great relief both to the court and to the jointress.

1481. You also stated that you thought one of the great difficulties is the way of the policy of selling land to the tenants was the law of entail and settlement. Now, as regards settlement, would you make it impossible for an owner to make a settlement on his land?—I would; I would let the owner have the fee-simple interest in his land, and nothing else; I would not allow settlement at all.

1482. You would not allow a fee-simple owner to charge his estate?—I would allow charges like mortgages, leases, and the like, because these would be all interests which could be settled in present; they are not like settlements affecting the future. The real complications that arise from settlements in the future are, that they are frequently made in contemplation of events which do not, in fact, arise. You make your settlement, and you omit some little contingency, or provide for circumstances which do not happen, and then the lawyers are left to construe what is the result, and that is what makes our law of real property such a dreadfully complicated thing as it is, and what exists you must be satisfied to have dealings in land always very expensive. It was in answer to the honourable Chairman's question, with reference to the costs of these

Mr. Bruce—continued.

dealings, that I said you must always expect to have expensive costs in applications for transfer, while you have these complicated interests.

Chairman.

1483. That is to say, so long as the land is carried out into a succession of interests?—Yes.

Mr. Bruce.

1484. I wish to put this case to you: you would prohibit the owner of a real estate from charging that estate with portions for his younger children at the time of his marriage?—I would not prevent it; I see no difference between creating a charge in favour of your younger son for 1,000 £, and creating a mortgage for 1,000 £.

1485. I am speaking of matters at a time when the children are not born; you would allow a charge in favour of those children then unborn, but you would not allow the owner to limit the succession to his estate to one of those children?—I would not.

1486. You would not allow an owner to limit the succession to the estate to one child; but you would allow the owner to charge the estate with the settlement of 1,000 £ for one of those children?—Yes, because the 1,000 £ could be redeemable at any time; if a railway company wants to take up land that is charged, it pays off the charge, and there is an end of it.

1487. But the power which you would give to the owner to charge his estate with family charges and family settlements would still create the expense which now exists, or a portion of it, in dealing with land, would it not?—It would cause some expense, of course.

Chairman.

1488. It would be attended with the same expense as a mortgage?—Yes.

Mr. Bruce.

1489. Now with regard to the creation of peasant farmer proprietors in Ireland, you stated that you would not be disposed to limit the facilities given to them to any sized farm?—No, I would not; the limit I would put would be the ability of the man to produce his purchase-money, and I may mention that I think that in very small cases that would operate as a very substantial limit; but, I would not say that a man with a small holding might not buy as well as a man with a large one.

1490. You think that in the case of small farmers there would be a far greater difficulty in finding the purchase-money than among the large farmers?—Yes, I think so.

1491. And therefore that they would not be made proprietors in the same proportion?—I think not. I am speaking without having examined the figures, but I think you will find that in the Landed Estates Court, speaking generally, the holdings have not been exceedingly small.

1492. Do you refer that to the difficulty which the small holders have in finding the balance of the purchase-money?—They are poorer as a rule than the larger holders.

1493. Now, supposing they are poorer, do you think it would be advisable to make them proprietors?—I think it is not advisable, and therefore I say if they have not the money to produce, I would not make them proprietors, but if they have the money in the same proportions as the others, I would not prevent them in the least.

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I think the safety of the country depends upon having proprietors of all kinds, and not letting the poor man think that there is a desire to shut the door against him. It is a bad thing to have a man with two or three acres of land and no means of cultivating them; but it is not a bad thing to have a man with two or three acres of land who is a solvent energetic man.

1494. But do not you think that with the great facilities which are proposed to be given to the small tenants to purchase their holdings, the small tenants would be able to borrow the money?—I think, on the contrary, that they would be at a greater difficulty in borrowing the money.

1495. Do you think it would be an insuperable difficulty?—Possibly not.

1496. Do I understand you to say that the present limit of advance to two-thirds, does prevent the smaller class of tenants from becoming purchasers, whereas if three-fourths were advanced to them there might be a larger number of them so becoming purchasers?—I do not think the present rate prevents a number of them becoming purchasers, but of course it limits the number; if you give them a larger advance you would have a larger number who will be able to come in.

1497. Surely if the proportion of advance were increased from two-thirds to three-fourths, the difficulty of getting the other fourth, in your opinion, would be very much less than in getting the other third?—The larger the advance you give the tenant the greater difficulty there will be to get anything more from the outside public, but of course it is more likely that he will have a fourth in his pocket than a third, and therefore, if you increase the advance from two-thirds to three-fourths, you will increase the number of tenant purchasers of all kinds, but you will not facilitate them in getting loans elsewhere.

Sir John Leake.

1498. When you say it is more likely a tenant would have a fourth than a third, you assume that he must have very little capital at all?—Certainly. Men of that kind never have very much capital.

1499. What I understood you to say was this, that you would not recommend an advance of more than two-thirds of the purchase money for the reason that you would not desire to prevent anybody, no matter how small, from being put in the position of a tenant purchaser?—My notion of creating tenant purchasers would be to create upon the whole a substantial class of men, not men who had been encumbered up to their eyes, and unable to stand any strain; if they become heavily encumbered, they would not be able to bear the strain of two or three bad years; they would become insolvent and ruined.

Mr. Bruce.

1500. You would wish to see only those become proprietors of land who have money to pay the proportion which was not advanced by the State?—Quite so.

1501. And you would desire to see those excluded from becoming purchasers who have not that money?—Yes; and when tenants come before me, I ask them if they have money, and I always recommend those who have not the remaining third not to buy; I think they are better off not to do it.

Mr. Bruce—continued.

1502. You think that the country would not be advanced in prosperity in making peasant proprietors unless they have the means to pay one-third of the purchase-money?—Yes.

Mr. Meade.

1503. In settling the lots in the Landed Estates Court, do you regard rather the interests of the encumbrancers or of the owners?—I do not regard the wishes of encumbrancers at all, if the estate is solvent; but if an estate is encumbered to more than its value, or very close upon its value, then I look to the encumbrancers exclusively, and not to the owner at all; I look to see who is the person principally interested in the estate, and consult his opinion.

1504. In consulting about putting up an estate in lots do I understand that you would never consent to make such division unless a tenant were willing to give rather above the market value?—I generally fix an upset price which I consider rather above the market value. If the seller is willing to put it up at any price, or to put it up to suit the tenants without naming any upset price, I acquiesce; if he is satisfied with the upset price which the tenant names I do not interfere with it, but if it is put to me to name the upset price I deliberately name a higher price than the market price.

1505. If the owner left the upset price to you you would put the upset price rather above the market price?—I would not take such a position. I would hear what the parties have to say, and I would form an opinion upon that.

1506. If you were left to be the judge of the circumstances, you would name a price rather above the market value, as I understand?—I deliberately would.

1507. So that the tenants in the Landed Estates Court have had no opportunities, up to the present time, of acquiring their holdings at the price at which they would be offered to the public?—They have; because they may buy like any other persons, in lots; the Waterford tenants had just that opportunity; but if a tenant comes in and asks if he has the right to have a little lot made up to suit him at the wholesale market price, I say he has not.

1508. If all the tenants upon an estate came in and asked to be lotted to suit them, they would not have a right to buy at the market value?—No, they would not.

1509. Have the Bright Clauses of the Land Act had what you call a fair trial, as far as the sales in the Landed Estates Court are concerned?—I think they have.

1510. Notwithstanding that, the tenants find great difficulty in getting the lots put up to suit themselves in the first instance; and if they succeed in doing that, they must give something above the market value; you think that is giving the Bright Clauses a fair trial?—I am quite sure of it; the tenants will have no chance of getting anything at all unless we do that; if we do not let the owner see that it will be a good thing for him as well as for the tenants, they will not come into the court.

1511. Now referring to owners wishing to sell their estates, is not the Landed Estates Court a great convenience to them as affording opportunities for selling their lands at prices which they could not get elsewhere?—I think it is a convenience to them.

1512. B

Mr. Meade—continued.

1512. Is it not a very profitable and advantageous thing?—I do not know that; it is a very expensive court; but upon the whole, I think it is advantageous to them.

1513. Do the landed proprietors get better prices for their lands than they would outside?—I think on the whole they do.

1514. Now with regard to the question whether a tenant should be advanced two-thirds or three-fourths, would it not add considerably to the number of persons with money buying their holdings if that advance were increased?—Of course it would.

1515. Would there not be a larger class of persons who might be brought in than otherwise; that is to say, the increase in the number of new purchasers would be rather from amongst those who have money to invest in their holdings than from those who had to look round to borrow the money?—I think it would stimulate both classes.

1516. But would it not stimulate principally those who had borrowed three-fourths, and could produce the remaining fourth from their own funds?—No doubt there would be many of that sort. I think that the more you lend the more will come forward, but why solvent persons should come forward in larger numbers than others I do not know.

1517. Would not the class of solvent purchasers be rather benefited than the other class?—They would be benefited, but the stimulant would operate generally. A man says I have only got a fourth to borrow, I will go among my friends and try what I can do to get the money. You would certainly stimulate purchasers in all directions, both those who had the money by them and those who had to borrow.

1518. Do not you think that there are a number of persons who have a fourth of the purchase-money, or very near it, who are kept out from purchasing at the present time?—Of course there are some.

Major Nolan.

1519. Do you know anything about the sale of the Headfort Castle estate, in the county of Galway, Mr. St. George's property, about a year or two ago?—I do not think the sale of that estate was in my charge.

1520. You have said that with regard to jointures and portions for younger children, that they added to the expense of selling estates?—I did not say that jointures added so much to the expense of selling an estate, but that the limitations did.

1521. You stated that there was a limit to the number of tenants who were possessed of one-third of the purchase-money, and that it would not be easy greatly to increase the sales of land in the Landed Estate Court?—I think that you would quickly reach the limit.

1522. But of course you referred to the number of tenants with one-third of the purchase-money in their pockets, who were on the particular estates which came into the Landed Estate Court?—I referred to those only.

1523. There is no practical limit, at least we have not reached it, to the number of tenants who have got one-third of the purchase-money to buy with, if the opportunity arose?—I could not say that we have; but I think if you said a fifth of the tenants over Ireland, that would be as many as could produce the third of the purchase-

Major Nolan—continued.

money. That is a rough estimate founded upon what I see in our own Court. I find that our sales to tenants have been to about the extent of one-tenth; we sell property to the amount of about 1,200,000*l.* each year, but of that rather less than a million could be purchased by tenants, and our sales to tenants have averaged about 100,000*l.* each year since 1870. I think there has been a progressive increase in our sales to tenants, and if you would relieve us from the difficulty about the residues we could increase that still more, but I doubt if we could go much beyond a fifth, and my reason for saying that is this, I ask the tenants when they come before me if they have the money to buy, and they very frequently say they have not. I have whole estates coming before me sometimes where there is not a single tenant coming forward to buy, it is not that they will not be anxious to buy, but that they cannot buy, and the number of them is so considerable that I think if you wished to deal with solvent people who would be able to produce a substantial portion of the purchase-money, you probably could not increase the number of peasant proprietors beyond a fifth.

1524. In your opinion would the decreasing of the law expenses increase the number of purchasers?—I do say it would by-and-by; but at present the tenants do not know the expense, but in future it will have an important influence as information pervades the country.

1525. You think that the present cost will have a deterrent effect in the future?—Yes, people will hear of it; if a man says I bought my land for 100*l.*, but I had to pay 10*l.* for the cost of the conveyance, that makes a considerable difference.

1526. If the State were to take trouble in this question, could those costs be reduced?—I see a great difficulty in reducing these costs, because they are the costs of private agents, solicitors, and so on; you cannot insist upon a solicitor doing business for less than he thinks will remunerate him. If the State were willing to employ an agent to act for the tenants you might reduce the cost to whatever you pleased.

1527. The State, I suppose, by keeping one man who would be always doing the same work, could do it very much more cheaply than leaving such tenant to go to his own solicitor?—It would; but that sort of arrangement would not be for the advantage of the tenants to the extent that you think, because such an officer would not probably feel himself bound to take so much trouble as the tenants would think requisite.

1528. Would it not be possible to reduce the expenses of transfer nearer to the scale of the charges in the cheapest country in Europe?—It would, as soon as we had reduced our system of holding land to the scale of those countries. Under our system of complicated land laws you cannot have very cheap dealings with land.

1529. But it is within the power of the State under the existing system, in some measure to reduce the expense of selling, is it not?—No doubt.

1530. In extending the advance from two-thirds to three-fourths of the whole purchase-money, would you extend much the number of those who would be able to purchase?—I could not conjecture how far it would influence the number, but it would doubtless have that effect.

1531. Do you think it would considerably in-

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crease the number?—I could not answer that question.

1533. When you say one-fifth of the tenants might become proprietors, would you say that that proportion in number of tenants would purchase, or that one-fifth in value might be the limit you could reach?—I think, perhaps, one-fifth in value would be about the mark.

Sir John Leslie.

1538. Sir Frederick Heygate gave 287,000 as being the total number of holdings in Ireland under 15 acres, out of a total of 488,000; that is more than half. Out of that fifth who, you anticipate, would be able to purchase their holdings, would the majority be principally included amongst the lower ones, or amongst the larger ones?—I think they would be more amongst the larger ones; not greatly, but appreciably more.

1534. Then to them, I suppose, the difference of having to produce one-fourth instead of one-third would be almost imperceptible?—I do not say it would be imperceptible, because the larger you make the purchase, the greater the difference between a third and a fourth comes to be.

1535. As the matter stands, the fifth is a calculation made upon what has happened, is it not?—The fifth is a calculation based upon conjecture, looking at what has happened. What has really happened has been that we have sold in our Court a tenth, and what I said was that I thought that possibly if we were catching all the tenants who had money, we might catch as many as one-fifth, but we have never got as many as that; a tenth is what we have got as yet. I was conjecturing that we might possibly get as many as a fifth.

1536. Was that supposing the amount to be advanced was raised to three-fourths?—No; supposing we were getting all tenants who could advance a third (that was my supposition) we would not be able to deal with more than a fifth of that class of tenants. I am constantly obliged to refuse to make a lot to suit a tenant on account of servitude. If these difficulties were removed, and we were allowed to advance to every man, I do not think we should exceed a fifth upon the whole; at present we do not exceed the tenth.

Mr. Vernon.

1537. May I gather from your experience that there would be much likelihood of tenants in a body entering into contracts with the Commissioners for the purchase of their holdings, if the property comprising their farms was to be bought as a whole condition of their thus agreeing?—I think if the Commission bought with the view of selling to the tenants without having first made agreements with the tenants it would be a very risky transaction.

1538. Do you think from your experience of the Landed Estates Court that there would be much likelihood of tenants entering in a body into agreements with the Commission?—They would not do so in a body because the body would not have the money, but such of them as had the money would do it, and they do so at present. A tenant when I am settling the rental says, I want to have the lot made for me, and the tenant is very willing to state what he will give as the upset price, and I bind him to that proposal, and he is bound by it afterwards. I apprehend that a Commissioner, such as Mr.

Mr. Vernon—continued.

Vernon proposed, would go amongst the tenants in the first instance and have contracts of that kind made with them; but I have no doubt that if the Commissioner bought first and then went to the tenants, they would draw back seeing that they had got the matter in their own hands; but no doubt he would go amongst them and get them to make contracts to give a certain price if the Commissioners bought the property.

1539. Do you think there would be a likelihood of general success attending such a plan?—I do, the only fear I have about that plan is, that the residues which will necessarily fall in the hands of the Commissioners, would be sold at a sacrifice, and that there would be a loss entailed in that way.

1540. Have you a doubt that that would make things better?—It might create a tenant proprietary of a very solvent and substantial kind, but it would cost a great deal of money to the State, and what the State has to consider is, is the game worth the candle. There would be expenses which would be considerable in any event, and more considerable still, if the Commissioners bought boldly and freely, so as to give an opportunity to all the tenants of buying.

1541. You think there would be as great a likelihood of residue then as there is now?—Certainly, there would be a residue undisposed of now, only that at present I am obliged to refuse offers from tenants in order to guard against loss. Then the Government could take the risk upon itself. Mr. Vernon seemed to think there would be no loss. I should fear there would be a loss. Mr. Vernon is in many ways a better judge of that than I am, because he is a very experienced land agent, and could form a very useful opinion; but my opinion is that there will be a loss, and if the thing were pushed with zeal, there would be a smart loss.

1542. Your opinion is that there would be a doubt about any general concurrence among the poor tenantry?—Under any circumstances you must expect some poor tenantry on every estate, and by-and-by when the Commission came to deal with the residuary lots they would find it very hard to sell them; you would have very few instances in which all the tenantry on an estate would be able to produce the money; you would have one here and one there who could not, and you must sell those farms as you can.

1543. With regard to the expenses of the Court, do not you think the great expenses of a sale in the Landed Estates Court counterbalance any increase of price which a vendor may obtain?—I do not; I think the expenses are very considerable, but I do not think they counterbalance the advantages of the sale there.

1544. But does not the purchaser gain in the title which he obtains?—He does, of course.

Chairman.

1545. You have long been favourable to the creation of peasant proprietors in Ireland, I believe?—I have.

1546. I gather from your evidence that you do not think that one class of tenants more than another should be excluded from the operation of a scheme of this kind?—No, I do not.

1547. You think it would be equally desirable that small tenants should have the same facility

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of purchasing their holdings as the larger ones?—I would give them all the same facilities.

1548. In the year 1868 were you a member of a committee of gentlemen who considered a scheme for the carrying out of a measure of this kind?—I was.

1549. Did that committee come to some general conclusion as to what should be done?—They did.

1550. Was that published in the form of a pamphlet by Mr. Henry Dix Hutten?—It was.

1551. Is this the pamphlet (*producing a pamphlet*)?—It is.

1552. Who were the members of that committee?—The members of that committee were Judge Lawson, Judge Flanagan, Dr. Ingram; I think Mr. Low was upon the committee, Mr. John O'Hagan, and there were some others whose names I have forgotten.

1553. There were some other influential people of the same kind upon the committee?—Yes.

1554. Was it a part of the scheme which was brought forward by those gentlemen, that the funds of the Irish Church should be used for the purpose of facilitating the creation of a peasant proprietary?—It was.

1555. That was before the Irish Church was disestablished?—Yes.

1556. And before there was any proposal to disestablish the Church?—I think it was before there was any proposal to disestablish the Church.

1557. It was without any reference to the scheme of disestablishing the Church?—We certainly contemplated disestablishing the Church when we contemplated using the Church funds for this purpose.

1558. At all events the idea was to use the funds of the Church for the purpose of facilitating this scheme of creating peasant proprietors?—Yes.

1559. It did not so much involve the sale of Church lands to tenants as using the funds for the purchase of estates in the Landed Estates Court, and selling them to the tenants?—Certainly.

1560. I find this passage in the pamphlet: "The possibility, however, of effecting the operation with ease and advantage to both tenants and owners must depend on the advances being made at a low rate of interest. This is demonstrated by the large and long-continued experience of Prussia, and the other leading States of Germany, where the Governments used their financial credit to facilitate the conversion of occupiers into owners." Is that so?—It is.

1561. I find among the proposals this: "The Commissioners should be empowered to buy as ordinary purchasers in the open market, either on sales in the court, or by private contract to be carried out by the court; such properties to be resold, or granted in fee-farm by them to the occupiers on the principles above suggested." The plan adopted was that the commission to be appointed should have the power, out of the Church funds, of buying the estates in the market, and then either selling separately to the tenants or giving them fee-farm leases for ever, either at some advance upon the rent or by a payment of a small fine upon the same rent or at a reduced rent?—Yes; there were three alternative proposals.

1562. In fact, the scheme suggested by those gentlemen was very much that now recommended to the Committee by Mr. Vernon?—Very much so. 051.

Chairman—continued.

1563. There was not a substantial difference?—No.

1564. Will you hand in that pamphlet?—I will (*the same was handed in*).

1565. Then you were favourable to a scheme of that kind at that time; do you see any reason now for differing from it?—The only possible objection I see to Mr. Vernon's scheme is the expense. If you consider the system worthy of the cost, I think it is a good system.

1566. But I think this scheme adds on some additional proposals to Mr. Vernon's recommendation; namely, the proposal to give an alternative to tenants; first, to buy their farms outright, or to be converted into tenants for ever at an increased rent, or tenants for ever at a diminished rent on payment of a fine?—I suggested that to the Committee last year as a plan which I would propose, for I think many tenants could pay a small fine, the Commissioners selling the estate as a head-rent, and taking the fine as part of the consideration.

1567. In your opinion, would that diminish the possibility of any loss on the sale of the residences?—No; we contemplate in these proposals that there will be a loss to the State, and we thought the proposal was worth some expenditure of public money upon it. I think there would be a sharp loss upon Mr. Vernon's plan, but I wish to express that opinion against his proposal with considerable diffidence, because he is a man of great judgment; still, I think there will be a smart loss, and you must consider whether that loss will be counterbalanced by the advantage you will gain.

1568. Looking to the whole position of things in Ireland, you thought it was desirable that that loss should be incurred; are you still of that opinion?—It is a question of amount.

1569. Are you of opinion now as you were in 1868, that it would be worth while to the State to incur a certain risk of loss in order to carry out a scheme of creating peasant proprietors in Ireland?—It would be worth their while to incur some loss; I do not want to bind myself to such an expensive proposal as Mr. Vernon's proposal at all.

1570. But I am now asking you with respect to your own proposal in 1868; is there any more reason to anticipate loss now than there was in 1868?—No; but there is more experience upon the same subject.

1571. Does experience show that there is any more likelihood of loss now than there was in 1868?—No.

1572. Do you think the evidence before the Committee now shows that the loss is likely to be any greater than you then anticipated?—I am able to anticipate something of the expense which I could not then anticipate; I see now a number of cases in which men have no money and so on, but when we drew up that pamphlet we considered that the expense was a secondary matter.

1573. But I understood the scheme was, that in addition to purchasing in fee you were to propose to the tenants the alternative of becoming tenants in fee for ever upon payment of a certain increase of rent; if that plan were adopted the loss would be diminished, would it not?—I do not see how that would diminish the loss; if the tenants of the residences could be induced to give fines you might reduce the loss considerably. 24

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considerably. The less results from this: the general public do not care to buy a little farm in the middle of an estate held by small tenants, and therefore it would fall to some small money-lenders or people in the neighbourhood, who are not prepared to advance money, except at an unusual rate of interest.

1574. Has the experience of the Church Commissioners in the sales of their residences no weight with you?—I do not think it has; I only know that they say in their Report last year that they anticipate a considerable falling off in their residua.

1575. We hear from the Report of the Commissioners that they have obtained a very fair price for the residences they have sold; do you believe that that is not the fact?—I am very unwilling to contradict an officer who has an opportunity of looking at the facts much more closely than I have; but my opinion is that the prices obtained by the Church Commissioners for their residences have been rather a low figure.

1576. Take the Church properties which have been sold in your own Court?—They have been sold cheaply.

1577. The witnesses from the Church Commissioners told the Committee that they considered that the prices they obtained in the Landed Estates Court somewhat inferior to the prices they obtained themselves outside the Landed Estates Court. Supposing it to be the fact, as stated by the Church Commissioners, that they have obtained for residences a price equal to 22 and 23 years' purchase, do not you think that that is likely to show that the less will not be considerable upon these residences?—It depends entirely upon what the land is set at.

1578. Assuming the rental to be a fair one?—Then 22½ years' purchase upon the average will be a very fair price, but I am led to believe that the rental is not a high rental.

1579. Have you read the evidence of Mr. Murrough O'Brien to the contrary?—Yes; but I put against that the potent fact that the land has been sold to the tenants at a price which would enable them to sell at a profit.

1580. Have you any evidence to enable you to say that the land has been sold to the tenants at a price which would enable them to sell it at a profit?—I take it for granted that a tenant purchaser will not sell his farm unless he can get a profit upon the price he gave for it.

1581. The number has been stated by Mr. Godley as 500, which Mr. O'Brien made up to 800 cases in which purchases had been made, chiefly in the name of tenants, but practically by neighbouring landowners; you stated that in those cases you had reason to believe an additional amount over and above that paid to the landlord was paid to the tenants?—I should think the tenants would not enter into the matter at all, unless they got some advantage by it.

1582. It was stated in some cases that the advantage was in the getting of a long lease?—You may pay a man in several ways: by a long lease or by money.

1583. I want to know if you can give the Committee any accurate information as to the value of the land sold by the Church Commissioners; we have had information given us that the land was fully and fairly valued?—I am quite sure that that evidence is honest, but I have stated my reason for disagreeing with it.

Chairman—continued.

1584. You have stated to the Committee that the tenants in the Landed Estates Court gave rather a larger price than you got outside?—I do not think they give a larger price than they should give, especially looking to the advantages they get, and the great expense they put us to, but they have given a rather larger average price than that given by the general public.

1585. Could you say what the difference has been?—I do not wish to fix myself to the exact figure, but it is an appreciable difference.

1586. Now the average price given by tenants for Church property has been about 22 or 23 years; do not you think that that is a fair market price?—I do.

1587. Therefore the whole question turns upon whether the land is fairly rented or not?—Yes, it does.

1588. Now Mr. O'Brien has told the Committee that in his opinion the land was rather highly rented than not; do you think that was not the case?—I should think that it was not the case, but I should be very sorry to contradict Mr. O'Brien. I judge from this: when I see the land has been offered to the tenant for 22½ years' purchase, and refused, and sold to the outside public at an advance upon that price, namely, 22½ years' purchase, I am led to believe that the tenants were offered the land at a low price.

1589. There was one quarter of a year's purchase difference?—That is considerable when you consider that this is the residue of the land; and secondly, when we find by experience that tenants getting small lots give a little more on the average than the general public.

1590. The question I have to ask you is, whether looking at the general condition of the sales, and also the evidence given before this Committee, you are of opinion that a fair market value has not been given for the land?—I may say that I think they were sold cheaply.

1591. Your only reason for saying that, is the difference between 22½ years' purchase, at which the land was offered to the tenants, and refused by them, and the 22½ given by the outside public; that is to say, a difference of a quarter of a year's purchase?—There is another reason which influences my judgment, and that is, that so many people are said by witnesses to have got the whole of the purchase-money upon their holdings; they could not possibly get so much as that, unless they got a pretty good bargain. I have also made private inquiry, and I heard that in many cases the tenant had exercised his right of pre-emption, but had no money. I was looking to what was to verify my own statement; I said to a gentleman, when I got home, "This is an extraordinary fact; those tenants are able to produce such a sum of money. He said, 'Those fellows are not able to produce it at all; I was waiting for a small bit of glebe there, and was expecting to get it, knowing that the tenant had not the means of purchasing it. To my surprise the right of pre-emption was exercised, and on my asking how that could have happened, the tenant said, 'I made over my right to so-and-so for a small sum of money.' " That shows the way in which the thing is done.

1592. Mr. Godley said, that he had reason to believe there were 500 such cases, and Mr. O'Brien said, that he thought an additional 300 might be added to that, for cases of which they had not any knowledge, which were to be deducted

Chairman—continued.

deducted from the total of 5,300?—Then what deduction would he make, I wonder, for the man who still held and had borrowed the whole of the purchase money.

1593. I am coming to that in a moment; what I want now to know is, what has led you to believe Mr. O'Brien's evidence upon that point, is misleading evidence?—I would be very sorry to say that Mr. O'Brien had any intention to mislead.

1594. Mr. O'Brien told the Committee that he had visited these estates, and that he was able to form an estimate from that of the number of such cases that there had been?—I did not understand his evidence to be that from his visiting the estates he was able to form an opinion as to the number of re-sales.

1595. Supposing Mr. O'Brien's estimate a fair one, and the number of 800 he deducted for re-sales after purchase, there would still remain 4,500 sales to tenants without re-sale?—No doubt.

1596. I think you stated that a considerable number had borrowed the balance of the purchase money?—No doubt great numbers have.

1597. That has never been denied by Mr. O'Brien, or any one on the part of the Church Commissioners?—But my evidence last year was to the effect that I did not believe there was anything like a large proportion of the tenants who could produce a third of the money. I was examined with regard to the success of the proceedings in our court, and I said, I believed that the number who could produce a third of the purchase money was very limited. You posed me very much by those statistics, I could not credit them, but, of course, under the condition of producing, not a third of the money, but none of it at all, an unlimited number of tenant proprietors might be produced.

1598. Have you observed that it was stated by Mr. Goolley and Mr. O'Brien that one-half of the purchasers of the Church property produced the whole of the purchase-money?—I would like to analyse those figures, because many of those purchasers are stated to be small tenant farmers, yet in every part of Ireland there are many people who are in a different position from that.

1599. Are you aware that four-fifths of the whole of the Church property sold was in the north of Ireland?—The great bulk of it.

1600. Therefore those cases you speak of are not likely to have occurred in any large proportion?—They might have occurred in proportion sufficient, with other circumstances, very much to reduce the figure which we see in that report.

1601. Can you advise the Committee as to what measures they should adopt with a view of ascertaining whether the Church lands have been sold to the tenants at a fair and reasonable value or not, because a great deal of the value of your evidence turns upon the point, whether the Church lands sold by the Commissioners were sold at a fair value or not?—I do not wish to say that the Commissioners did not do the best they could, but I am disposed to think that the tenants had a considerable profit in the transaction.

1602. Then the question arises in this way, you think that there would be a considerable loss in the sale of the residue, and you arrive at this in this way: you think that in the case of Church

Chairman—continued.

lands the tenants did not give a full and fair price, and that therefore the sales of residue must not be taken as a measure of the loss that will be incurred by any other Commissioner; I wish to ask you how you think the Committee can arrive at a fair estimate of the loss in this transaction?—One way would be to compare the tenant valuation with the tenant's rent. I am led to believe from the report, that they have often got bargains, otherwise it is impossible that 800 of them could have there and then transferred their holdings to somebody else; they could not have got persons to buy them unless they got them something under the market value.

1603. It has been represented that in many of these cases offers were made to the tenants to buy the land, and the tenants being unable to buy them, then a neighbour or other person bought the property, giving the tenant perpetual lease?—They could have done that if they had bought directly from the Church Commissioners without the intervention of the tenant at all.

1604. But still they made sure of their purchase; the piece of glebe may possibly have been in the middle of their own property?—It could not have been in the middle of their own property, because then they would have been the tenants themselves.

1605. We will say an adjoining property; I have seen a glebe in the middle of a property, and in that particular case the landowner was desirous of buying, and I have no doubt that if the tenants do not buy by themselves, somebody else will buy through them?—I do not know why he buys through the tenant.

1606. If the tenants do not buy, the adjoining landowner may find other competitors outside, whereas by buying through the tenant he becomes certain of his purchase?—He finds that he gets it cheaper by buying it in that way, and that means that the tenants are getting bargains.

1607. Does not the whole question turn upon whether the land was fairly and fully valued by the Church Commissioners or not?—I think it does.

1608. The whole question upon this part of your evidence turns upon the point whether there would be any substantial loss to the Commissioners?—Entirely.

1609. In 1868 you thought the State might incur that loss in view of the substantial advantage to be derived by the creation of tenant proprietors?—I did.

1610. And you are, I imagine, still of that opinion; although thinking, probably, that the loss by the sale of residue might be great, still you would think that if the loss were not considerable it would be worth the while of the State to run the risk in order to secure the substantial advantages of peasant proprietorships?—But you will remember that in 1868, we were looking to see where we could get the money, and the State has very generously advanced the amount of 1,000,000 £ that we can lay our hands on at the present time. One is willing to incur a greater expense for a good that you cannot get at all otherwise, than one is willing to incur for a good, a considerable portion of which you have secured already.

1611. I do not quite understand what you mean?—We were looking to see where we could get the money in 1868 for this purpose; the State has now given of its own will a considerable

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sum for the purpose, and in that way part of the motive which influenced us is already met; and therefore that diminishes the expense I would be willing now to incur, in order to get some further advantage.

1612. That only touches upon the latter part, namely, the money part of the question, not the machinery for carrying it into effect?—Certainly.

1613. It might still be desirable to appoint a Commission for the same purpose as you thought desirable in 1868, might it not?—Yes.

1614. But supposing a sum of money beyond the 1,000,000 £ were required for the purpose, would it not be possible, in your opinion, to find it out of the Church money?—I think it would.

1615. Do you think it would not be unreasonable now, as it was in 1868, to use the Church money for that purpose?—I am quite prepared for that.

1616. And you think there would be some advantage in using the Church Fund, do you not?—I think so, because it is an Irish Fund, and we might have more complete control over it than we have over the present funds.

1617. A Commission dealing with the fund would have more complete control over it than the Board of Works now have in dealing with the State funds?—I think so.

1618. There will not be the same control as there is over the Board of Works by the Treasury?—I think not.

1619. You stated, in answer to Mr. Plunket, that you did not think that, even if the Commission were established, the number of transactions in which there was a sale to the tenants would be very great?—I think it would be limited. If you put a money test upon the tenant by making him advance a third of the purchase money, it would be limited certainly.

1620. But supposing you aided the tenant by the proposal of giving him free-farm rents for ever, would the number be increased?—It would, I think.

1621. Could that usefully, do you think, be added to the scheme?—I think it could.

1622. You also think that the Landed Estates Court could not greatly increase the number of sales to small tenants?—No, I do not think, even under the most favourable circumstances, either by means of a Commission or by diminishing the expenses of our operations in the Landed Estates Court, we could hope to sell to more than about a fifth of them.

1623. Do you think such a Commission would be so effective as the Landed Estates Court?—It might be less effective.

1624. How so?—Because, if we could show that this is a thing in which landlord and tenant have a mutual interest, we might make it work by natural processes. If I could persuade the landlords who come into our court to sell, that the tenants are their best customers, then you have the thing working by a natural process, and you have the working in the hands of men who can look closely into it and deal with it with the minimum of waste. I think our present system might be the better in the long run, but Mr. Vernon's would give a more rapid advance at once.

1625. Do I understand you to mean that the Commission would give more rapid development at once?—It would.

*Chairman—continued.*

1626. But would not, in the long run, a Commission have the same happy effect upon the sales in the Landed Estates Court as you have just suggested?—I think not.

1627. Supposing the Commissioners were to buy a whole particular lot in the Landed Estates Court, selling portions to tenants at a somewhat advanced price, and then realising little or no loss upon the residue, would not the landowners see that the transaction was not an unfavourable one, and be ready to sell in the Landed Estates Court to the tenants themselves?—If the Commission realised a very large profit that might be so, but unless the profit were very large, I do not think it would, because the landowners would not be able to form any opinion of the cost of the transaction; the cost will be borne by the Commission, and there would be no way of throwing the proper proportion of cost over each estate. You will sometimes see a gentleman introduce some agricultural improvement upon his estate, and the tenants not follow it, saying, "We cannot afford this kind of capital outlay, as it is a very expensive thing." So you will have individual proprietors saying, "We do not know what proportion of the capital charge of this Commission is to be put down to the expenses of these re-sales; if we undertook that business it would cost a great deal, and besides that, we do not know what to do about it."

1628. Still the landowners would see what the residues would sell for, in point of price, in the open market, and they would be able to see what the tenants would give, would they not?—They would.

1629. If they saw the residue sold for a full and fair price, as compared with lands in Ireland, then their fears would be got rid of and it would not be necessary to have this special machinery?—That might be so, no doubt.

1630. In that view do you not think it would be wise to appoint a Commission for a certain time, say five years or 10 years, to deal with this particular subject, and to facilitate, as you say it would facilitate, the immediate sales to tenants?—If I were of your opinion, that the residues could be sold without loss, and that a profit could be realised, I would be of that opinion, but I cannot agree with your proposition. I am afraid that there would not be a profit upon the transaction, but rather a loss.

1631. Am I to understand that the experience you have had since 1868 has modified your views in regard to the loss on the sale of the residues?—I can hardly say that, because in 1868 I did not contemplate the question of loss upon them at all.

1632. You thought at that time that it would be worth the while of the State to incur the loss, and you think there would still be a loss?—I cannot say that I think there would be a greater loss than I thought there would be in 1868, for I had no data on which to found an opinion in 1868 as to what the loss would be.

1633. In the year 1868 you were prepared to go into the scheme and take a step of which you had very little experience at all; still, contemplating there would be a loss to the State, you did contemplate a loss, did you not?—I really do not know. Our notion was not founded at all upon whether there would be a profit or a loss upon the transaction; it was founded upon the policy of creating a peasant proprietary.

1634. You



Mr. Heggate.

1634. You did not consider the question of loss at all?—I do not think we went into it at all, we had no data upon which to go; but I do not think we expected any serious loss.

Chairman.

1635. I think, in answer to a previous question, you told me you did contemplate a loss at the time?—I can hardly say that; I do not think we gave much attention to the subject of profit or loss.

1636. At all events, may I take it that the experience you have had of the sales by the Church Commissioners lead you to fear that there will be a loss, and a greater loss than you anticipated in 1858?—I am afraid there will be a smart loss.

1637. And that, notwithstanding the evidence given by Mr. O'Brien as to the result of the Church sales of residences?—I have not seen all his evidence, but I have formed my opinion from what I have seen in the Report of 1868. I have seen great numbers of tenant purchasers handing properties over to outsiders, and I saw that could not be done without the tenant getting some advantage by it.

Mr. Plunket.

1638. As I understand, your views on this subject have been somewhat modified, in the direction that it is necessary to proceed with caution and with certain safeguards, since you were a party to the preparation of that pamphlet?—Yes, I have seen the working of the Church Commission, and I have seen the working of the sales in our own court, and I do apprehend that there might be a loss which it would be right to estimate for. I myself think it would be worth incurring some loss for the sake of these sales, and some smart loss, but I cannot conceal my opinion that there will be a smart sum to pay.

1639. I suppose your opinion in favour of the creation of a tenant proprietary, both in 1868 and at the present time, is subject to the observation that they should be *bona fide* tenant purchasers, who should be able to pay down something of their own, and who are not likely in the event of two or three successive bad seasons to become paupers?—Certainly, I think that in every event there should be substantial security that you are dealing with solvent men.

1640. I suppose you would regard it as a very serious circumstance if the State were brought face to face with a considerable number of small tenant proprietors, who had fallen into arrears in the payment of their instalments?—It would be a very serious thing.

1641. Therefore in whatever way the thing is done you would guard very carefully against that eventuality?—I would.

Mr. Heggate.

1642. Does your approval of the creation of small proprietors, by means of these sales and advances, extend to all existing tenancies without regard to the extent of the land occupied by each tenant?—Yes, it does.

1643. You would give the advances to all?—I would give it to all who could pay a certain amount of the purchase-money.

Mr. Heggate—continued.

1644. You would not limit it to those holding more than three or four acres?—I do not think it would be much advantage to the State to have those poor holdings, but I do not anticipate, if you advance two-thirds only of the purchase money, that too many will be created.

1645. Your reason for supposing that tenants have been able to purchase cheaply hitherto, is, that they have been able in most cases to borrow the whole of the purchase money?—I cannot readily understand it in any other light. If the tenant had bought at the full price, I do not think he would have found it so easy to borrow the balance beyond the advance; and then, moreover, I think that with regard to the sub-sales, they could not have made those sub-sales unless they had bought at a less price than the neighbouring proprietor was willing to give for the land.

1646. They sold at a small profit?—Yes, and some of them sold at a large profit. I heard of a Mr. Krehl buying a place, and selling it immediately at a profit of 700 £, which he handed over to the Church body.

Mr. Brown.

1647. I am not sure whether you gave it as your opinion that the advance by the State should be increased from two-thirds to three-fourths, or not?—I would rather not.

1648. You would rather keep the advance at two-thirds?—I would; I think it is a very wholesome thing to have a test of substantiality in the men whom you are making tenant proprietors.

1649. You stated, I think, that you thought the residue lots, if they were sold by the Church Commissioners, or any public body, would in all probability fall to money lenders and people of that class?—I think so; I do not think you would have any wish to buy a few acres in the midst of the townland.

1650. Do you think that the lot of the tenants on these holdings would be a happy one?—If you gave them long leases they would do well enough. You may remember that in proposing to give an advance of money to four purchasers to enable them to buy the remaining fifth of a lot, I suggested that the case of the tenant would be a hard one, and that it would be reasonable, in consideration of the advance, to bargain for a lease or fee-farm grant to him, otherwise he would have a bad time, because he would have a very screwy landlord, who would either put him out or raise his rent very soon.

Mr. Heggate.

1651. It has been suggested that the value of the tenant-right is so large that even when a man has borrowed the whole of the money for the freehold, there is still a large value in the property which belongs to himself?—I said last year that I thought it would be safe to take that into consideration in giving my opinion with regard to the safety of the loans. If the object is to create a substantial and solvent tenant proprietary, you must take guarantee that they are solvent, because if you create an insolvent proprietary, I think they will come to grief.

Mr.  
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Mr. ROBERT S. STACK, is called in; and Examined.

Chairman.

Mr. Stack.

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1632. You are, I believe, Chief Clerk of that division of the Board of Works in Ireland in which the business of the Bright's Clauses is transacted?—I am.

1633. You have great opportunities, therefore, of seeing the tenants when they apply to the Board of Works for advances on purchases, or intended purchases?—Yes, constant opportunities.

1634. All applications pass through your office, and are placed by you before the Commissioners?—They are.

1635. Are inquiries constantly made of you by tenants with regard to the facilities which may be afforded by the Board of Works to tenants desirous of purchasing their holdings?—They are constantly, particularly during the session of the Landed Estates Court.

1636. Do the tenants, as a rule, appear to be very anxious to purchase their holdings?—Those with whom I come in contact appear to be very anxious to purchase.

1637. Can you state to the Committee what the principal causes are which operated against their purchasing?—Many of them appear to think that the amount of the loan the Board could give, even when it is fully two-thirds of the purchase-money, is insufficient with the money which they have to enable them to make an offer for their holdings in the Court.

1638. Do you find that a considerable number of those tenants are under the impression that the amount would be three-fourths instead of two-thirds?—Yes, a great many of the tenants who come up from the country appear to be under the impression that the Board have power to advance three-fourths of the purchase-money.

1639. Do you know how they have arrived at that idea?—I suppose that it is owing to three-fourths having been named in the original Bill. Some of them mentioned to me that they were told that the Board could advance three-fourths.

1640. It was so stated to Parliament by Mr. Gladstone on introducing the Bill?—Yes, I believe so.

1641. Was his speech widely circulated amongst the Irish tenants?—Yes, I believe so, and also amongst solicitors, because some Irish solicitors in the country appeared to be under the impression that three-fourths could be advanced by the Board.

1642. They come to your office under that impression, and are disappointed when they find it is only two-thirds?—Yes, that is so.

1643. Apparently they were not aware of the change that took place in the Bill during its passage through Parliament?—Apparently they were not aware of it.

1644. What is the next difficulty which they find?—The next is a difficulty as to the sub-tenancies which may exist at the time they apply for loans. I feel bound to question them, before leading them to think that they can obtain loans, as to whether there are any tenants holding under them, and if they inform me that there are any sub-tenancies other than are covered by sub-section 4 of the Act of 1872, I must tell them that there is no hope of their obtaining a loan.

Mr. Phelan.

1645. Will you read the sub-section to which you refer?—"If while any holding is charged with the payment of an annuity to the Board under the principal Act, and this Act, any part of such holding is let to agricultural labourers *bono fide* required for the cultivation of such holding, for cottages or gardens not exceeding half an acre each case, such letting shall not be deemed to be, nor shall the same be, a cause of forfeiture;" that is the Act of 1872, section 1, sub-section 4.

1646. Under the original Act, any sub-letting at all was illegal, and amounted to forfeiture; was not that the case?—The latter part of the 42nd section of the Act of 1870 says, "Any holding charged by order of the Landed Estates Court in manner aforesaid shall not, without the consent of the Board, be alienated, assigned, sub-divided, or sub-let during such time as any part of the annuity charged on such holding remains unpaid, and any part of such holding alienated, assigned, sub-divided, or sub-let in contravention of this section, shall be forfeited to the Board, to be held by them for public purposes."

1647. That clause had reference to the future wellbeing of the holding after the purchase was effected?—Yes.

1648. Then came the Act of 1872, which made some little amendment upon that which enabled the sub-letting, provided the sub-letting be for the purpose of farm labourers, and be not exceeding one-half acre in amount?—That is so.

Chairman.

1649. I understand you to say that the difficulties which have occurred in regard to holding by tenants were not in respect to the future condition of the holding, but in regard to its condition at the time it was proposed to be sold?—Yes.

1650. And that if there were any portion of it sub-let, then the Landed Estates Court and the Office of Works between them felt themselves unable to agree to the advance?—Yes.

1651. Will you state to the Committee what has taken place between the Landed Estates Court and the Board of Works upon that point?—In December 1872, I think it was, an applicant of the name of Thompson presented a memorial for a loan; there was some sub-letting; eight acres were sub-let out of about 127 acres, I think, and the Board, looking to the sub-tenancies, agreed to grant a loan upon the condition that Mr. Thompson obtained the consent of the sub-tenants. On the question being brought before the Landed Estates Court on the application for a charging order—

Mr. Phelan.

1652. Do you know which division of the court it was?—Judge Finnegan was the judge. He refused to grant the charging order in consequence of these sub-tenancies; and the view taken by him, as we understood, was, that as the sub-tenancies were not covered by the sub-section which I have read in this Act, the loan should not have been made, and that therefore he would not grant a charging order; consequently the Board had to apply for the refunding of the money.

Mr. Plunket—continued.

money. There was some difficulty about that, and a correspondence with the Treasury; the result was that Mr. Thompson, having obtained surrenders from the sub-tenants, the court granted a charging order; but that has warned the Board not to make a loan in any case where any sub-tenants except those mentioned in this sub-section; and that constitutes a difficulty with regard to the granting of loans. When tenants come to me to make inquiries, I question them closely about many matters, but particularly about this; I ask them, "Have you any sub-tenants?" and if they say, "Yes, we have," then I ask, "Are they labourers?" and then if it appears that, although they are labourers, yet that there is any greater extent of land let than half-an-acre, I am obliged to say, "It would not be of any use to you; it would embarrass you if the Board offered you a loan now, and led you into bidding, because the court will not grant a charging order."

1873. Are there not cases in which portions of the land proposed to be sold are sub-let to their relatives, or some persons not engaged in agriculture?—Yes, the tenants explain the circumstances to me, and sometimes make such a statement as this, "There is some portion sub-let to an old woman." I ask, "Can she be in any way considered a farm labourer?" He would say "No," and ask me, "Am I to turn her out?" saying perhaps, "I would not do that in order to obtain the loan." This question of sub-letting therefore prevents many persons from obtaining loans.

1874. Has there been any correspondence between the court and the Treasury upon this subject?—Yes, in Thompson's case the court communicated with the Treasury, and the Treasury agreed with the court in the first instance, and directed the Board to act in accordance with the views of the court; that was the effect of it.

1875. They both thought it was not expedient that loans should be granted in a case where there was an existing sub-tenancy?—Yes.

1876. Then I believe the Irish Government made a representation to the Treasury upon the subject, and so on?—Yes, and the Treasury to the Board of Works.

1877. And the Irish Government took very strongly the view that this was a case in which a loan should be granted?—Yes, that in cases such as that loans should be granted.

1878. Have you a copy of the letter of the Irish Government upon the subject?—I have the correspondence with me. The Chief Secretary's letter is dated the 18th June 1873. He says:—"It appears to their Excellencies that whilst the Statute might have been so framed as to provide that no tenants should be assisted by loans to purchase, save such as had the entire of their holdings in their own occupation, the authority to make advances is not only thus expressly limited, but, on the contrary, is conferred in terms enabling the Board of Works to advance purchase-money to any tenant (Section 44), or to the tenant of any holding (Section 45). There being then no express restriction of this power to lend two-thirds of the purchase-money payable by a tenant for his holding, it only remains to be seen whether any such restriction can be fairly implied from the context or from other parts of the Act, if, as seems to have been assumed by their Lordships, the Legislature had absolutely prohibited, under pain of forfeiture, all sub-letting, 0.51.

Mr. Plunket—continued.

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&c.; after a tenant purchaser had obtained his loan and during its subsistence, such prohibition might have been relied on as indicating that the Board of Works, in the exercise of its discretionary power, ought to refuse an advance of purchase-money to a tenant who had already sub-let. The Act, however, does not thus absolutely prohibit all sub-letting, &c., during the currency of the loan; on the contrary, it seems to contemplate that sub-letting may in some cases be unobjectionable, and accordingly it only forbids such dealings "without the consent of the Board," words which plainly intimate that in proper cases that consent should be given. When the Landlord and Tenant (Ireland) Amendment Act, 1872, was passed, exempting from those restrictive clauses of the Act of 1870 every sub-letting if not more than half an acre by a tenant purchaser to a labourer on the purchased holding, the Legislature seems to their Excellencies to have shown that it meant the discretion to be well expressed. The result of both Acts appears to be that a tenant purchaser, having a loan from the Board of Works, is free to make lettings not exceeding half an acre each, to as many of his labourers as he shall please, but that the consent of the Board is requisite to the letting of more than half an acre to any one labourer. Their Excellencies are of opinion that it cannot be implied from these provisions that a tenant who has sub-let a portion of his holding, should by such sub-letting alone, and irrespective of the circumstances of the case, be disqualified from obtaining a loan under sections 44 and 45. On the contrary, these provisions rather suggest that the Board, in considering the propriety of advancing money to a tenant purchaser, part of whose farm is in the occupation of one who is not his labourer, should regard the extent and nature of this sub-tenancy in each case, and lend or withhold the money according as the sub-letting shall appear to be harmless or objectionable. The Act intended to vest a discretion in the Board of Works to advance purchase-money or not according to some reasonable principle, and the withdrawal of all discretion from the Board in all cases in which any portion of land, however small, shall have been sub-let, to any person not a labourer, would in their Excellencies' opinion, be difficult to justify, having regard to the meaning and policy of the Statute. I am, therefore, directed to request a reconsideration by their Lordships of the rule to which I have adverted."

1879. Upon that letter of the Irish Government the Treasury came to an opposite opinion to that which they had formerly arrived at?—They came to the opinion that in any case where the sub-letting did not exceed one-tenth of the entire holding, the Board might make a loan.

1880. Will you read the letter from the Treasury on that point?—The Treasury letter of the 11th November 1873, deals with other subjects besides sub-letting.

1881. Will you read that portion of it which deals with the question of sub-letting?—"That in case of an advance to a purchasing tenant, part of whose holding is sub-let, except for labourers' dwellings, the portion so sub-let shall not exceed one-tenth, nor ordinarily one-twentieth part either in value or extent of the entire holding. My Lords are advised that sub-lettings for purposes not covered by Section 71 of the Irish Land Act of 1870, are inadmissible." That is

Section

Mr. Stuch.

Mr. Plunket—continued.

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Section 71, which refers to the agricultural or pastoral character of the holding.

1682. What follows from that letter of the Treasury?—We understand that Judge Flanagan adhered to his opinion, notwithstanding that.

1683. Did you have a letter from the court upon the subject?—A letter was written from the Registrar of the Court to the Board's solicitor.

1684. What was the effect of that letter?—It is dated the 7th January 1874: "Sir,—Referring to your letter of the 24th November last, in which you desire to be informed whether any difficulty will arise in the granting of charging orders by this court in respect of advances made by the Commissioners of Public Works to tenants portions of whose holdings may be sub-let, such advances being made upon holdings so sub-let, under the authority of a Minute of the Lords Commissioners of Her Majesty's Treasury, I am directed by Judge Flanagan to state, for the information of your Board, that he sees at present no reason to alter his opinion as conveyed by me in my letter of 11th December 1872, to the Lords Commissioners in 'Thompson's Case,' and it appears to the judge that the only qualifications to the provisions of the 45th section of the principal Act are those stated in sub-section 4 of the Act 35 & 36 Vict. c. 32." That is the part that deals with that.

1685. I gather from that that Judge Flanagan differed from the Treasury and the Irish Government upon that point?—Yes, and the Board of Works.

1686. That whereas the Treasury and the Irish Government thought that advances should be made even in cases which were not within the exceptions of the Act of 1872, yet the judge of the Landed Estates Court thought he was bound by the specific terms of the Act of 1872?—The Board of Works understood it in that way.

1687. The judge of the Landed Estates Court considered he was bound by the special words of the Act of 1872, and declined to make the charging order, except in the cases which came under the Act?—Yes.

1688. Has the result of that been that you have hitherto declined to make advances in a considerable number of cases?—It has. Many cases have not been refused upon it in formal applications, because the tenants generally come to me and feel their way beforehand, but a great many have been prevented from applying, owing to that restriction. I would not deem it right to put them to the trouble of presenting a formal memorial, because it would put them to the expense of going to a solicitor.

1689. Will you state to the Committee what kind of cases they are in which you have been obliged to inform the tenant that he has no chance of obtaining a loan?—Some of the sub-lettings are to labourers, but to a greater extent than half an acre, others are not to labourers; but, as I understand it, when there is any sub-letting at

all, which is not to labourers, it disqualifies the party from the benefit of a loan.

1690. Have there been cases, to your knowledge, in which tenants, finding they could not obtain the advance from the Board, have come again, and in the meantime relieved themselves of the difficulty of sub-tenancy?—Yes, there was one case of a man named Fearn. He presented a memorial for a loan, and in the form of the memorial there is a schedule in which the sub-tenancies must be set forth. I noticed the sub-tenancies being more than the court would grant a charging order for, and I called the attention of the Board to them, and the loan was refused in consequence of the sub-tenancies; but some time afterwards, I cannot exactly say when, an entirely new memorial upon the same form was presented. I recollected the name and saw there were no sub-tenancies mentioned. I looked up the former case and came to the conclusion, at least I suspected, that the sub-tenants were got rid of. I called the attention of the Board to that and we entered into correspondence with the party, and he admitted that he obtained surrenders from some of the tenants and disposed of the others.

1691. In order that he might obtain the loan?—In order to qualify for the loan; that is the only recorded case; but the question is sometimes put to me by applicants, who say to me: "If I get rid of these sub-tenancies, will the Board grant me a loan?" I feel that is always a very difficult question to answer, and I generally endeavour to evade it. I say: "The Board cannot, nor can anyone on the part of the Board, make you a promise of a loan, or tell you what the decision will be in any case not before them."

1692. In the case you mentioned, the purchasing tenant, having obtained surrenders from some of the sub-tenants, and evicted the others, came before your Board and obtained a loan?—He had no difficulty in obtaining the advance.

1693. Has it been suggested to you that you should make a loan upon that portion of the property which was not sub-let?—In a case which arose afterwards, the tenant made application before the judge of the Landed Estates Court, and the judge refused to make a charging order going over the whole holding, but offered to make one excluding the sub-let portions.

1694. What occurred in that case?—In that case the Board obtained the opinion of counsel, Mr. May, the present Chief Justice of the Queen's Bench in Ireland, and his opinion was against the validity of a charging order of that nature. The Treasury were communicated with afterwards, and they also expressed their opinion against the validity of a charging order of that kind, so that practically the Board could not obtain a charging order that they could accept, although the judge offered one of that character.

Thursday, 14th March 1878.

MEMBERS PRESENT:

Sir Walter Bartleet.  
Mr. Bruce.  
Mr. Heygate.  
Mr. Shaw Lefevre.  
Sir John Leslie.

Mr. Mellon.  
Major Nolan.  
Mr. Plunket.  
Colonel Taylor.  
Mr. Vernon.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. ROBERT S. STACK, called in; and further Examined.

Chairman.

1695. AT the conclusion of your evidence on the last occasion, you were pointing out to the Committee the difficulties which were caused in many cases by portions of a holding being sub-let to small tenants, and I think you stated that the present state of the case is this, that the Landed Estates Court refuse to make charging orders where any portion of a holding is sub-let, except in those cases where the sub-tenancy comes within the definition in the Act of 1872?—Yes, the clause in the Act which refers to that matter is Section 1, sub-section 4, of the Act of 1872.

1696. But there are many cases which do not come within that section, in which I understand you to suggest that an advance by the Government should be permitted?—Yes.

1697. That is the view taken by the Irish Government and the Treasury, is it not?—Yes, it is.

1698. But that the judges of the Landed Estates Court consider that they are bound by the Act of 1872?—Yes, we understood that the judge of the Landed Estates Court adhered to his original opinion.

1699. And that he would not make the charging order?—Yes.

1700. And you, on your part, are advised that you cannot make an advance on that portion of the holding which is not sub-let?—Yes, and the Treasury concur in that view. The way the matter stands is this: the Treasury consider that the Board should not make a loan in any case where the court will not grant a charging order extending over the entire holding.

1701. So that between the Landed Estates Court and your department a tenant who has bought in a case of that kind, is unable to get an advance?—Yes, the tenant is unable to get an advance in that case.

1702. Will you state to the Committee what have been the rules from time to time laid down by the Office of Works with regard to the amount of the advance made to the tenant?—On the 25th April 1871, the Treasury, on the recommendation of the Board of Works, approved of 24 years' purchase on the tenement valuation, as the basis on which to calculate the proportion of the advances which the Board are authorised by the Act to make.

Q.51.

Chairman—continued.

1703. Was that the first rule laid down by the Treasury on the subject?—That was the first rule laid down by the Treasury.

1704. The basis then adopted by the Treasury in that case was the tenement valuation?—Yes; the basis adopted by the Treasury was the tenement valuation.

1705. And it is presumed that the tenement valuation is somewhat below the real value of the property?—Yes, it is well understood that it is in some districts about 25 per cent. below the real value of the property, and in others the difference is greater.

1706. Will you explain what was the actual advance made to the tenant upon that ruling?—On that ruling the Board understood that they could advance 16 years of the tenement valuation, provided it did not exceed two-thirds of the purchase money, which it never did, as a matter of fact.

1707. Did that decision of the Treasury give dissatisfaction to a good many applicants who came to your office?—It did.

1708. And it was objected to as inadequate on the ground, I presume, that the tenement valuation very seldom represented the real value of the property?—Yes.

1709. Then what took place upon that?—The Board again went to the Treasury on the 18th July 1871.

Mr. Plunket.

1710. Was it the complaint of the tenants that they considered your rules should allow you to offer them two-thirds, not of the valuation, but of the rent?—No, it did not appear to us in that form, but they complained that our rule offered them as much below two-thirds of the fair price of the holding, that the number of years should be increased as a compensation for the lowness of the valuation.

Chairman.

1711. I think you stated on the last occasion that tenants intending to purchase their holdings frequently came to your office to ask what proportion of the advances they would get?—Yes.

1712. And when you told them they would only get 16 times the tenement valuation, they were very dissatisfied?—They were very dissatisfied.

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1713. Were

Mr. Stack.  
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Mr. Stack.

Chairman—continued.

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1713. Were many of them unable to proceed further with their purchase on that account?—Yes, they have told me that they could not think of making an offer for their holding. What they have said is this: "I have so much of the purchase money, and if the Board would give me as much I would feel warranted then in going before the examiner and making an offer for the holding."

1714. During that interval, namely, between April and July 1871, were there many cases in which tenants were deterred from going before the examiner and offering to buy on that account?—Yes, there were a good many, speaking from recollection; it is a long time ago, but the tenants were calling in great numbers at that time, and I think there were a good many who were disappointed and unable to proceed.

Mr. Plunket.

1715. Do the tenants usually come in person, or do they apply to you through an attorney?—Very often two or three of them will come with a country solicitor, or perhaps with a town solicitor, but frequently they come without a solicitor at all.

1716. Do the tenants ever send a solicitor without appearing in person at all themselves?—They do.

1717. Is that the most frequent case?—I think not.

Chairman.

1718. Is it the fact that many hundreds of tenants have come before you?—Yes, I am quite safe in saying that hundreds of tenants have come before me. In the past seven years I must have seen over 300, I should say.

1719. What proportion of that number should you have been able to obtain an advance?—That is stated in the official return.

1720. But the total number is much more than 300, is it not?—I speak of those that I saw in person; others sent in their memorials.

1721. But a large number of those people whom you saw would have gone away dissatisfied with the conditions?—A great many; I should say fully half of them.

Mr. Plunket.

1722. Do you mean of those 300?—I should think so.

1723. Can you say what proportion of the others were refused their memorials?—That is stated in the return, but it is very small. I suppose they had informed themselves, through solicitors and others, with the conditions of the Act.

1724. Should you suppose that those who come to you personally are those who, perhaps, think they may be able to get over a difficulty; that they are, in fact, the more difficult cases?—Yes; I think they are cases in which the tenants have not much information about the Act, and in fact know very little about it at all, and they come to speak to me. It is a very common thing to say, "I thought we would get three-fourths of the value advanced"; and there are other misconceptions with regard to the Act.

1725. Do you attribute that (of course I am only asking for your own opinion) to any extent to the tenants being indisposed to place greater confidence in a Government official than in a local

Mr. Plunket—continued.

solicitor, who is not generally a very popular person?—I could not express an opinion upon that point.

Chairman.

1726. Then, in consequence of the dissatisfaction caused by this ruling of the Treasury, did your office in July 1871 make a further application to the Treasury on the subject?—Yes.

1727. What did you then propose?—The Board then proposed that they should take as a basis 27 years' purchase; that is to say, that they should estimate the purchase-money at 27 years' purchase of the tenement valuation, or, in other words, that they should be allowed to give 18 years' purchase of the tenement valuation as their loan.

1728. Have you the letter which was written upon that subject?—Yes, I have; and it is to this effect: "Their Lordships desire me to inform you that they agree to your proposal to increase the amount to be advanced to the tenant under these circumstances to two-thirds of the purchase-money, provided such does not exceed 27 years' purchase, taking the Government valuation as the basis." The effect of that was to enable the Board to give as their loan 18 years of the tenement valuation.

1729. Then did the Office of Works itself subsequently somewhat raise the proportion?—They did. At the foot of this letter there is a note: "By rule of the Board, 2nd May 1872, it was decided that in all future cases 20 years' purchase of the valuation might be given as a loan, deducting all charges having priority."

1730. Did you do that without consultation with the Treasury?—Yes, that was done without consultation with the Treasury; the Board felt that they had a latitude. At all events, as a matter of fact, there was no communication made to the Treasury upon the subject, and the Board have acted on that rule since.

Mr. Plunket.

1731. Have they not since made the rule known to the Treasury?—I think the rule is known to the Treasury, but I do not recollect any letter being written upon the subject.

Chairman.

1732. The result of all that has taken place between you and the Treasury, and what your office has done of its own accord, is, that now the basis of calculation is 30 times the tenement valuation?—Yes.

1733. And you advance two-thirds of that?—Yes, we can advance as much as two-thirds of it to a tenant.

1734. I believe even that has not given satisfaction, and has not come up to the full value of the holdings in many cases?—In many cases it has not.

1735. Was there a further application to the Treasury to permit of a special valuation being made?—Some parties communicated with the Treasury direct, and the Treasury made a communication to the Board, and if the Committee will allow me, I will read a portion of the communication which refers to that matter. This is the Treasury letter, dated 26th October 1871: "Gentlemen,—Four letters of the 7th ultimo, addressed to Mr. Algernon West, has been laid by the First Lord before the Leeds Commis-

sioners

## Chairman—continued.

members of Her Majesty's Treasury, and their Lordships have carefully considered the reasons which you offer for having adopted a fixed and general scale of valuation by which to calculate your advances to purchasers under the Landlord and Tenant (Ireland) Act, 1870. My Lords agree that it would be inadmissible to have the valuation for these advances upon the amount of the purchase money, and they recognise the advantage of proceeding upon a general and therefore manifestly impartial scale. At the same time, as the existing valuation is not only admitted to be too low (a defect which, for the present purpose, can be remedied by increasing the number of years purchase), but is also known to be unequal as between different parts of Ireland, my Lords apprehend that to insist upon it in all cases might not always be a defensible proceeding. They are of opinion, therefore, that, where the applicants are dissatisfied with the valuations offered, and are willing to pay whatever expense your Board, or the commissioner of valuation, may be put to in obtaining a new one, you might exercise a certain discretion in referring the question to the commissioner of valuation (Mr. Ball Greene), and in acting on his advice. A communication has been made to Mr. Ball Greene upon the subject, and a copy of his answer is herewith enclosed for your information. My Lords do not contemplate the reference to him of every application, but only of those which appear to you to justify some modification of the general rule for estimating values in order to secure a fair and reasonable application of the Act to each case. I may mention here that the belief that they had a latitude allowed by this letter was the reason why, without going to the Treasury again, the Board made the rule to give, in the first instance, 20 years' purchase as the loan. The date of the letter is the 28th October 1871, and it was subsequent to that, on the 2nd May 1872, that the Board decided to give 20 years' purchase of the ordinary valuation as the loan.

1735. Upon that you have occasionally sent papers to the commissioner of valuation?—Yes, for his report.

1737. But I think that even his decision has not given satisfaction in some cases?—I think his decision has given satisfaction in so far that it has always enabled the Board, I think without exception, to advance two-thirds of the purchase money, but the delay and the doubt is the unsatisfactory part of it.

1738. Is it not a fact that the Treasury have allowed a special valuation to be made through this commissioner of the actual property by a personal survey?—The Treasury authority is to refer the cases to the commissioner of valuation, not to any officer acting directly under the Board.

1739. Then what is the course pursued by that commissioner?—He sends one of his officers down to the country.

1740. Is that done at the expense of the applicant?—Yes, at the expense of the applicant; but I may mention that the Board endeavours as far as possible to obtain a new basis for calculating their advances without putting an applicant to expense. They communicate in many cases with the commissioner of valuation, asking him if he can, without sending an officer down to the lands, give them his opinion as to the fair letting value.

## Chairman—continued.

of the holding at the present time, and in some cases that enables the Board to advance two-thirds of the purchase-money, without putting the applicant to the expense of a visit to the lands.

1741. But if that proposed advance does not amount to two-thirds of the purchase-money, and the tenant is still anxious to obtain an advance upon what he considers the full purchase value of the property, the commissioner is then called upon to send down a surveyor to the property to report upon it at the expense of the applicant?—Yes, at the expense of the applicant.

1742. Do you find that the applicants are unwilling to incur this expense?—Yes, they are sometimes unwilling to incur this expense; and they also appear, when I inform them of it, to be suspicious that it will entail an increase of taxation. I do not know whether that is the fact or not; that is to say, that when Mr. Ball Greene had revealed their holdings, he would increase the taxation, or that in some way or other they would be taxed.

1743. The tenants like the valuation for one purpose, but not for another?—Quite so; they would like to increase the loan, but as one of them said to me: "I may fail in obtaining the loan, but have increased taxation put upon me."

1744. The tenants fear that the transaction may not be completed, but that the revolution may be taken as the measure for an increase of rent or taxation?—Quite so.

1745. Then what you are able to tell an applicant who comes before you, and not knowing whether he can purchase or not, is, that the Board will advance twenty times the teneement valuation, and that if he is not satisfied with that, a survey of the property would be had at his expense?—Quite so.

1746. You find that the applicants are deterred by that fear, dreading some ulterior results from the valuation?—Yes, but also I should mention here that at the time when the applicants come it is very often too late to admit of the Board taking these steps. For instance, the tenants are served by the Landed Estates Court with a copy of the consolidated final notice; that notice invites them to come up to Dublin, and on a particular day to go before the Examiner, and make an offer for their holdings. Now, the majority of them take no steps to approach the Board of Works until they come up to Dublin; which is, generally speaking, the day before they have to go before the Examiner, and then it is a very common thing that between three and four o'clock in the afternoon they come into me with the consolidated final notices in their hands. I am very anxious to assist them if I can do so without committing the Board, and they say, "We have to go before the Examiner to-morrow morning; what will the Board advance to us to enable us to purchase these holdings?" I look at the notice, the acreage, and the valuation, and I inform them as far as I am able what the Board would be likely to advance; what I say is, "The Board could not in your case give more than" so much.

1747. Then what the tenant wants to know accurately before he makes an offer to the Examiner is the amount which will be advanced by the Board, and he comes to you very often too late to enable you to have a sufficient survey made?—They often come too late, in fact, for a re-valuation, or even for obtaining the opinion of

Mr. Stock.

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Mr. Seach.

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Chairman—continued.

the Commissioner; it is out of the question at that time. I ask the tenants why they did not come before, and they say, "We thought that we would be in time; we thought that when we were attending the Court that was the time to come to you."

1748. Does it occur to you that when an officer of the State in one department acting in a judicial capacity, fixes the upset price at which the tenant shall at all events buy, if he buys at all, that should not be taken as the measure of the value of the property by another department of the State?—I think that if there is good reason to suppose that the upset price is not excessive it might be taken as the value of the property by the other department.

1749. We may presume that it is not excessive if the officer of the court acting in a judicial capacity, and in the interest both of vendor and vendee, has fixed that amount as the point at which the property shall be bought, if no higher bidder offers?—I would not take it as excessive in that case.

1750. It is not likely to be excessive?—No, I think it is not likely to be excessive.

1751. In your opinion would it not be well that the price fixed upon by the Examiner as the upset price should be really taken as the measure of the value of the property for your purposes?—I think it would be advisable for this reason, that the timent valuation is very unsatisfactory, it is low, but its being low is not so great a disadvantage as its inequality. It is, I believe, a well-known fact that the valuation is lower in the south of Ireland than in the north, therefore, tenants from the north of Ireland, which is the most prosperous and well-to-do part of the country, receive an advantage which I do not think the tenants in the south and west of Ireland can receive under the present rule.

1752. You are of opinion that the rule which has been laid down by the Treasury is unequal and unjust?—It is unequal.

1753. And to that extent unjust?—Yes, I think it is to that extent unjust.

1754. And that it has deterred a good many of the tenants from coming before the Examiner, and offering to buy their holdings?—I think it has, from my experience.

1755. What is the average cost that a tenant is put to for a special valuation?—The expense would, I think, be about 10*l*. I have a return of the special valuations if the Committee desire to see it.

1756. May we take the expense as about 10*l*.—I think so, or perhaps it might not be quite so much. Sometimes a tenant is called upon to lodge a sum of 20*l*. as a deposit, but some of that money is returned to him if it is not all expended.

1757. He is called upon, when he asks for a survey, to make a deposit?—Yes.

1758. If, therefore, the survey takes place before the tenant bids, it may be that he pays his money without ever having an opportunity really of completing the purchase?—In those cases where there has been a special valuation, the tenant has generally an opportunity of completing the purchase.

1759. He has the opportunity, but he may not become the purchaser?—He may not become the purchaser.

1760. The property may not be put up in a manner to suit him?—It may not.

Chairman—continued.

1761. Or it may be that some other purchaser may give a higher price?—Yes, that may be so.

1762. Therefore a tenant wishing to have a special valuation of his holding has to pay a deposit for the costs of the survey, without the certainty of afterwards becoming the purchaser of it?—Quite so, but as a general rule the way in which it occurs is this, that the tenant may bid at his own risk, and if he be declared the purchaser, and if still dissatisfied with the amount which the Board originally offered, he can apply for a special valuation.

1763. He may do that afterwards; but suppose he does it before, being unwilling to make an offer until he knows that it is certain what the advance of the Board will be, then he can only do it upon paying a deposit of 20*l*.; is not that so?—The deposit is not 20*l*. in all cases. We may name 20*l*. or 10*l*.; it depends upon the distance which the valuator has to travel. If he had to go, say, from Dublin to a remote part of Kerry, we should name 20*l*.; if we ask the commissioner what will be the probable cost of the re-valuation in that case, he writes to us that very probably it would be about so-and-so, and if his officer has to travel a long distance he may name 20*l*. or 15*l*., but if the valuator's bill falls short of the deposit, the remainder is returned to the applicant.

1764. The applicant is not called upon, in all cases, to make a 20*l*. deposit, but he is sometimes; at any rate, he is always called upon to pay something as a deposit?—Yes.

1765. Then that re-valuation takes place; the cost is charged against the deposit, and the remainder is returned to the applicant?—Yes, the remainder is returned to the applicant.

1766. All that goes on as a preliminary to this man even going before the Examiner to ask that his farm may be put up as a separate lot for him?—Yes, unless the tenant chooses to bid at the risk of not obtaining a loan to the extent of two-thirds.

1767. Therefore it is a complete chance whether it comes to anything at all for him?—Yes, it is a complete chance what the result of it may be.

1768. Do you find that the tenants object very much to going through that process, on account of the uncertainty attending it?—Yes, I do.

Mr. Bruce.

1769. Is the person sent down as valuator ever or often the same person as one of the staff employed on the timent valuation?—I think he is; he is one of the ordinary officers of the Valuation Department, one of their valutors.

Chairman.

1770. Now, passing on to another difficulty, that of the alienation clause; will you explain to the Committee what difficulties have been raised by applicants with regard to what we may call the alienation clauses of the Act; that is to say, the clauses prohibiting subsequent alienation by the tenants?—The tenants who propose to obtain loans question me very frequently as to how they will be restricted when they obtain them.

1771. What explanation do you give them?—I explain to them that, without the consent of the Board, they are not to mortgage the holding, or to assign it, either in whole or in part, or to sublet it, or to make any will in respect





Mr. Stok.

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Chairman—continued.

those tenants who have bought?—Yes; I think it has operated in both ways.

1793. Have intending purchasers also objected to the clause so far as it prevents other mortgages?—They have.

1794. Will you explain to the Committee what objections they have raised upon that point?—When tenants about to apply for loans, mention that they have a certain portion of the purchase money, and that that would not be enough with the Board's loan to enable them to purchase, they very often ask the question whether they would be allowed to borrow money on the security of holding, that is to say, to mortgage the holding for the difference, which sometimes is small. Of course, I have to tell them that I cannot give them any assurance that they would be allowed to do such a thing, and I think that operates to prevent a certain proportion of them from coming forward.

1795. Have the tenants often said that they could easily raise a portion of the remaining balance in that way?—They propose to do that, but I warn them against it.

1796. Have there been cases where tenants, having purchased their farms in the Landed Estates Court, and then finding that the advance made by your office was not equal to two-thirds of the purchase-money, have found great difficulty in raising the remainder of the purchase-money?—I do not know as to their difficulties in raising it, but they have professed to me that as they would not be allowed to raise the remainder upon the security of the holding, they should abandon the idea of purchasing at all. Their communications to me are the only way in which I have any opportunity of knowing what their difficulties in regard to raising money are.

1797. Are you aware that the tenants, in the north of Ireland especially, have often been in the habit of raising money upon their tenant-right?—I do not know about that.

1798. Do you think that the tenants are aware, when they purchase the fee, that the tenant-right merges in it?—I do not know whether that is so or not.

1799. I believe you wish to say something about Kelly's case; will you inform the Committee what were the particulars of that case?—That was a case in which a borrower died, having made a will in which he divided the holding between two sons. The question having been referred to the Treasury by the Board, their Lordships decided that the will worked a forfeiture, and directed the holding to be sold. There was some correspondence, however, upon the subject, and the opinion of the Law Officers of the Crown in Ireland at the time was taken, and it appeared that it differed from that of the English Law Officers of the Crown; but the result was that the Treasury allowed the parties to redeem the loan.

1800. That was the case referred to in the evidence last year, on which there was a difference of opinion between the English and Irish Law Officers?—Yes.

1801. And in which at one time it was insisted that there was an absolute forfeiture to the Crown, and they directed a sale of the holding, but subsequently an arrangement was come to, and the parties were allowed to pay off the loan to the Board of Works, and to arrange between them-

Chairman—continued.

selves with regard to the holding?—Yes, that was the case.

1802. Do you think that that case was generally known to intending purchasers, or not?—I cannot say that it was known to intending purchasers, but the Board, soon after that case, issued a notice, which they have printed in red attached to their memorials, which notice is, in fact, I may say, a copy of the latter part of the 44th section.

1803. Will you read the notice which the Board have had attached in that way?—It is merely a copy of the words of the latter part of the 44th section.

1804. To what documents is that notice attached?—It is attached to the memorial; it is attached to the printed letter which the Board send out when they notify that they are prepared to make a loan, and it is also attached to the Board's letter applying for a charging order. In fact, it is attached to as many of the Board's forms as it could be conveniently attached to.

1805. It is not attached, I presume, to the notice originally sent to the tenants when they are asked to come up and bid for their holdings?—No, that notice is sent out by the Landed Estates Court.

1806. But there is no such intimation attached to that notice?—No, I believe not.

1807. So far as I understand, this notice is only given to the tenants when they begin to make their application to your Board for a loan?—Yes, and not before, so far as I am aware.

1808. I would like to call your attention now to the 47th clause of the Land Act, which enables your Board to make an advance to others than tenants in certain cases where a certain proportion of the tenants have combined together to buy a particular lot. The clause states, "Where the landlord of an estate is willing to contract for the sale, under the second part of this Act, of his estate in its entirety, but not in part, and the tenants of the holdings, comprising four-fifths in value of such estate, are willing to purchase their holdings, and other purchasers can be found to buy the residue of such estate, and to pay one-half of the purchase-money payable in respect of such residue, such sale may be made accordingly under the second part of this Act, in the same manner as if the whole of the purchasers of the estate were tenants of the landlord, and the Board may advance to such other purchasers one-half of their purchase-money, upon the security of the residue of the estate;" have there been any cases in which that clause has been acted upon?—No, there have been no cases in which that clause has taken effect.

1809. Will you explain to the Committee why it is that there have been no such cases; have there been no applications?—There was one application, but it was not considered to come within the clause.

1810. Was the application made in respect of a lot which was sold under the Landed Estates Court?—It was.

1811. Was it held that this case, referring only to Part 2, and not to Clause 47 of the Act, did not apply to sales made in the Landed Estates Court?—Yes, I think it was.

1812. Was it also held that the words of the Act being "estate," and not "lot," precluded the section being applied in the case of portions of an estate sold in the Landed Estates Court?

—That

Chairman—continued.

—That was the ground upon which the application was refused, but, I believe, it could be refused upon the other ground also. I think that was mentioned; that is to say, that the contract was not under the 2nd part of the Act. That sale was the sale of the estate of a Mrs. Eastwood in the Landed Estates Court, and a good many of the tenants purchased, but, in this particular lot, all purchased except one tenant; he did not purchase his holding, but a tenant who had purchased his own holding wanted to get the benefit of this clause as an outsider, and to purchase the holding of the non-purchasing tenant.

1813. In order that the whole operation might be completed?—Yes, in order that the whole operation might be completed.

1814. And that the whole of the other tenants might be enabled to buy?—That the whole of the tenants on that lot might be enabled to buy.

1815. That tenant made his application to your Board under the impression that this clause would facilitate the operation?—Yes.

1816. And he was met by the answer that inasmuch as it was only proposed to purchase a lot, and not the whole estate, the clause did not apply?—The clause did not apply.

1817. Supposing a landlord had only sold a portion of his estate in the Landed Estates Court, and not the whole of it, in your opinion would the clause not apply then?—I understand that the clause would not apply.

1818. The clause would only apply to a landlord selling the whole estate?—Yes, in its entirety, as I understand.

1819. That was the main objection made, was it not?—That was the main objection.

1819\*. And there remained the further objection that the clause as drawn only applied to sales made by agreement between landlord and tenant, and not to sales made in the Landed Estates Court?—That the clause did not apply to sales made in the Landed Estates Court.

1820. Therefore the clause as drawn in no way facilitates sales to tenants in the Landed Estates Court?—It would appear not; nothing has been done under the clause; it has been entirely inoperative.

1821. Has the attention of the Irish Government been called by your Board to that case?—I think not.

1822. Is there any correspondence between your Board and the Irish Government or the Treasury calling their attention to the difficulties which have arisen from time to time in the working of this Act?—There is constant correspondence with the Treasury, the instructions of the Board being to refer any case of difficulty to their Lordships; but I do not recollect that there is any correspondence with the Irish Government. If I recollect rightly, there was a Return furnished, on the motion of Lord O'Mahony, to the House of Lords of the proceedings under the 44th, 45th, and 47th sections of the Act of 1870, some years ago, and the Return was not as to the 47th section.

1823. But you have not brought under the attention of the Treasury or of the Irish Government this special difficulty in the way of giving facilities to the tenant?—No.

1824. Nor any other than those you have already mentioned to the Committee, namely, those of price and willing?—No.

1825. Did the tenants who have come before

Chairman—continued.

you allege any difficulties that they have found in obtaining lots from the Landed Estates Court; that is to say, their holdings put up separately for them?—Yes; they sometimes show me the rental, and the rental comprises the lot of the tenant who is speaking to me, and also some other holdings, and he asks me what the Board will give to enable him to purchase that lot. I tell him that the Board cannot advance him money to purchase a single perch except his own holding in the lot. He says: "My own holding will not be sold separately, as the Court will not put it up." I say in that case: "The Court must have some good reason for not putting it up; but all I can tell you is that the Board cannot advance any money to you except to purchase your own holding." Then sometimes a tenant will say, "I must give up the idea," and goes away.

1826. But are there many cases, in your opinion, in which the tenants have been unable to buy, in consequence of their holdings not being put up separately?—Yes, it would appear that there have been many cases of that kind from what they tell me.

1827. I observe Clause 46 says: "The Landed Estates Court shall, on the sale of estates by said Court, so far as is consistent with the interests of the persons interested in the estates or the purchase-money thereof, afford, by the formation of lots by sale or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings under the provisions of this Act, and for that purpose, shall hear any application in that behalf made by the Board or any such occupying tenant." I presume the Board there indicated is your Board?—Yes.

1828. Now when the tenants have made objections to you as to the difficulties they had in getting their holdings put up in separate lots, have you ever brought their objections before the Board?—No, but I think I have spoken to the Commissioner in course of conversation, and to the Secretary.

1829. Has the Board in any case intervened in behalf of a tenant before the Landed Estates Court?—No.

1830. The particular part of the clause, therefore, has been inoperative?—It has. The Board consider that if they make an application on behalf of the tenants, they should be moved by the tenants or their solicitors to do so.

1831. Are the tenants aware that they have that power of moving the Board?—I am not aware that the tenants themselves are.

1832. When they have represented to you especially their difficulties in getting lots sent out for them, have you ever pointed out to them that there is that power under the Act, and suggested to them that they should make a special application to your Board to move the Court accordingly?—I have not.

1833. Do you think it possible that the tenants may not be at all aware of that portion of the clause, or that there is any facility given to them for making their claims known through the Office of Works?—I think that is quite possible.

1834. Is there any machinery in the Office of Works for putting that clause in force?—I think not. I think the Board have not the means of obtaining sufficient information to act upon that clause, and do not feel authorised to incur the cost of obtaining such information.

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1835. Now

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1835. Now passing to another point: have you had many complaints from tenants of the cost to which they have been subjected?—Yes. When a tenant appears to think that with the amount of loan that I have named to him, so likely to be advanced by the Board, he had money enough of his own to purchase, or nearly so, he asks what would the costs be likely to be. I tell him I cannot give him any information upon that subject, but that he must employ a solicitor to carry this matter through the court; that in any proceedings in the Office of Public Works there will be no charge, but that in carrying any matter through the Court, and obtaining a charging order, and obtaining his conveyance, there will be some expense, and that he cannot do it without the assistance of a solicitor. Having given them that information, they appear to dread embarking upon such a proceeding without knowing what the cost will be.

1836. You advise them generally that they cannot manage the transaction without the intervention of a solicitor?—No, they could not do it without the intervention of a solicitor, even if they were a more intelligent class than they are.

1837. And you could not give them any idea of what the costs would be?—I could not tell them what the solicitor's bill of costs would be.

1838. You find that there appears to be a great dread of those charges?—There appears to be a dread of them; when they come is two and threes and consult together as to what they would be likely to be able to do, they very often appear to think it would be a close thing enough for them to make up the difference between the Board's loan and the price of the holding, and they appear to be frightened at the idea of the law costs in addition.

1839. They might find enough money to make up the balance of the purchase-money, but not the law costs?—Quite so, but not to make up the costs.

1840. Have you any suggestion to make to the Committee upon that point?—I have very often wished that I could give a satisfactory answer to the questions put to me by tenants about the costs of purchase; that I could say to them, "If you obtain a loan of a certain amount, the costs of the transfer will be so much." It has often occurred to me that if the State would undertake the cost of transfer, charging a per-centage fee to tenant purchasers, a clear answer could be given to their questions.

1841. What course would you suggest with a view to that plan being made feasible?—I think if a solicitor were appointed, and attached to the Landed Estates Court where the proceedings have to be taken, and were paid by the State, a per-centage fee being charged to the tenant purchaser, so as to compensate the State either altogether or partially, that would be a very useful way of facilitating tenants in purchasing.

1842. Would you suggest that the solicitor should be an officer of the Landed Estates Court, or of your Board?—I think he should not be an officer of our Board, because the proceedings in our Board are inexpensive; the solicitor should go to the Landed Estates Court to undertake these proceedings.

1843. But you have a solicitor already, have you not?—Yes, we have; but he has a great deal to do both with respect to this Act and other matters.

Chairman—continued.

1844. Would it not have been possible, under the Act as it stands, for the Board of Works to have employed their solicitor for this purpose?—Yes, that would have been quite possible.

1845. But you have not done so?—It has not been done.

1846. I think under the Act of 1879, it was possible for your Board to make advances to tenants on sales by agreement between landlord and tenant, without the intervention of the Landed Estates Court?—Yes, it was.

1847. In those cases has your solicitor acted without charge?—He charges only costs out of pocket.

1848. I presume he might act on behalf of the tenants in the same way, before the Landed Estates Court?—That would be possible if he felt authorised to do so, and were employed for that purpose.

1849. You have represented to the Committee now the difficulties which have been suggested by or to the tenants intending to purchase; do you think that the net result of all these difficulties has been to deter a considerable number of tenants from buying in the Landed Estates Court?—I do.

1850. Then you suggested to the Committee, if I rightly understood you, that an alteration should be made with regard to the amount of the advance made by your Board, namely, that as a rule the price given in the Landed Estates Court should be taken as the measure of the value?—I referred to the upset price as fixed by the Examiner, not to the price which a holding might fetch by competition.

1851. But as a rule we have been informed by officers of the Landed Estates Court that the holdings are sold to the tenants at the upset price?

—Yes, they are often sold at the upset price, and I think three-fourths of that upset price might be advanced, for this reason, that the Examiner of the Landed Estates Court has all the information, or at least can obtain it as to the tenement valuation, which the Board of Works have, and he might have some further information. As I understand Mr. McDonnell's evidence, given before this Committee last Session, the agent, the solicitor having the carriage of the sale, and the tenant, all are there, and his way of arriving at the upset price, I think, is such that it may be taken for granted that it is not an excessive price, and that therefore the Board may advance three-fourths of a price which cannot be deemed excessive.

1852. Then you have recommended to the Committee that there should be some modification of the rule in regard to sub-letting?—Yes; that is to say, in respect to sub-tenancies in existence at the time when the application for the loan is made, but with regard to allowing sub-letting during the currency of a loan, I think it is a matter which should be very jealously watched.

1853. But with regard to the sub-letting which exists at the time when a property is sold, you think that it will be wise to make some concession?—I think it would be wise to give the force of law to the Treasury letter of November 1875, which I quoted on the last occasion of my examination, which would overlook sub-tenancies to the extent of one tenth of the holding.

1854. That

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1854. That is to say, sub-tenancies existing at the time the loan was made?—Sub-tenancies existing at the time of the application for the loan.

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1855. You have also suggested that the purchaser should be relieved of law costs as far as possible, at all events from an uncertain amount of law costs?—I think it would be very desirable to do so; it would smooth the way very much.

1856. You have also recommended a modification of the law with regard to alienation, so as to permit of the freedom of willing the property to one person?—Quite so, but that should vary much, in my opinion, depend upon the size of the holding; in the first place I should say there would be no objection whatever to willing any holding whatever to one person, but with regard to dividing a holding by will I think it would be very well to make some fixed rule on that point. I would not permit a small holding to be divided. I know cases in which there are holdings of 100 and 150 acres, and the borrowers complain that they will not be allowed to divide them by will.

1857. You think the law should also be modified to the extent of permitting mortgage, subsequent to the mortgage to the Board of Works?—Yes, I think the Board of Works might be allowed a discretion in that respect to see whether there was sufficient margin for security, and in such cases to allow a mortgage.

1858. Then with regard to giving information to tenants who wished to buy an estate which was in the market, do you think that something more might be done in that respect?—Yes, looking to what I said awhile ago about the tenants coming in late, and not allowing the Board time to ascertain the full value of their holdings by having a special valuation or even consulting the commissioner of valuation without it. What I think might be done is this. When an estate is advertised for sale, the Board should take notice of the fact, that they should obtain as soon as possible a copy of the consolidated final notice, which gives a list of all the tenants with the acreage, the value of the holding and other particulars; that then they might communicate with the valuation department which will give them a certain amount of further information, and obtain in each tenant's case a certificate such as this (*Amalgamated certificate to the Committee*). That certificate gives a certain amount of information which would show whether or not the holding came under the 71st section of the Act as agricultural or pastoral. You will see in one column "Buildings," in the other "Land," and the value of each. When in possession of all this information I think it would be desirable if the secretary to the Board issued notice to the tenants informing them that at some market town in the neighbourhood where the estate is situated, he, or some one deputed by him, would hold a meeting on a particular day, inviting the tenants to meet him with a view to eliciting information from, and imparting information to, them. He might put questions to them as to their ability to purchase, as to whether there were sub-tenants on the holdings, and as to how much was laid out in tillage or pasture, with the view of ascertaining whether the holding satisfied the requirements of the 71st section. Then, having given and obtained as much information as possible, the officer of the Board, on his return to

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Dublin, might make a report to the Board stating how many of these tenants (naming them) had a reasonable prospect of purchasing their holdings, and might be assisted by the Board. That report I would have made the groundwork of a written application to the Board under the latter part of the 46th section, not binding the court, of course, to go by it, but presenting a *prima facie* case on behalf of the tenants.

1859. Then you would relieve them of the expense of appearing before the court in that respect?—Yes, I would add that I would then send the tenants forms of memorial from the Office of Works for them to sign, in order that we might have their recorded applications, and in that way I would endeavour to save them trouble. It appears to me that in that way you could increase very materially the number of persons whom you would enable to purchase their holdings.

1860. The officer of your Board would then have authority from the tenants to apply to the Court, and to the Examiner?—Precisely so.

1861. But is there anything in your recommendation to that effect, which might not have been done under the Act as it stands?—I think the Board have no authority to incur the expense of doing it; it is a question of expense and staff.

1862. Does not that course appear to be rather indicated by the 46th section?—The Board did not consider that the 46th section authorised them to go to the expense. I believe, as a matter of fact, what they did consider was this, that as no tenant or solicitor moved them to make an application under that section they were not called upon to do so.

1863. That is to say, the Board were waiting to be moved?—Yes.

1864. And nobody moved them?—Nobody moved them.

1865. But if anybody had moved them, then the course of proceedings, I presume, would have been very much that which you have indicated?—I do not know how that might have been; the proposition is my own, but if anybody moved them the Board would consider the question.

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1866. As I understand, since the Board of Works have adopted the 30 years' purchase as the basis of their loans of two-thirds, the principal difficulty in the way of the tenant has been the delay and the doubt to which he is exposed?—That appears to be a very serious difficulty, but there is also this, that 20 years' purchase does not in many cases amount to two-thirds of the purchase-money; and another difficulty appears to be this, that a great many parties do not consider two-thirds of the purchase-money sufficient; they think they should get three-fourths.

1867. But does 20 years' purchase in the majority of cases amount to two-thirds of the purchase-money?—No; 20 years of the ordinary valuation does not in the majority of cases amount to two-thirds of the actual purchase-money.

1868. Then without going to the extent of changing the two-thirds and making it into three-fourths, in a great many cases the desired facility would be obtained, would it not, by permitting the Board of Works to lend up to two-thirds of the actual purchase-money?—In a great many cases it would.

1869. Supposing that your suggestion were carried out, of the Board of Works applying to the

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the Valuation Office for information concerning a property which was about to be sold, and having obtained such information, the officer should then be supposed to go down to the nearest market town; but if it were possible, I suppose, that if he went on to the estate itself, that would be even better in your view, would it not?—My view is so that is, that the officer to go to an estate for the purpose of marking out the lots for sale, should not be an officer employed under the Board of Works, but under the Landed Estates Court; the Court sells the property, and it is the Court which should inform itself as to the parcels in which it should be sold.

1870. But without going to the extent of saying that this officer should mark out the plots into which the estate might be broken up for the convenience of the tenants, I merely ask the question whether it might not be more convenient with the view, as you say, of obtaining information, and giving it from and to the tenants, that he should go to the estate itself, and not to the market town; there is no special virtue, I suppose, in going to the market town?—No, but it would be a much longer proceeding, and would involve a great deal more expense to go over the estate; and unless he were to mark out the lots for sale, I do not see the advantage of his going over the estate.

1871. Except the convenience of the tenantry?—It would be a convenience to the tenantry, but meeting the officer at the market town would be a very great convenience to the tenants, compared to what they have to do now in coming up to the Office of Works.

1872. But, of course, a visit to the estate itself would be a still greater convenience to the tenants, would it not?—It would, but it occurred to me that it would be a great advantage if in some market town in their neighbourhood they could obtain the same information as I am enabled to give to comparatively few of them at the Office of Works, because, of course, very few of them comparatively come within the range of that information.

1873. But questions might arise which would be more easily decided to the satisfaction of the officer of the Board of Works on the spot; he could, when a tenant described his position, his holding, and his house, and so on, satisfy himself as to the accuracy of the statement?—No doubt the Board's officer could obtain more information while visiting each of the farms, but, as I have said, I think that is a responsibility which should not be cast upon the Board.

1874. Is there any official at present attached to the Board of Works who could undertake such a business as this?—I think not; they are all fully employed. I do not think there is any officer who could undertake the duty.

1875. At present when you obtain a re-valuation under the Valuation Office, I suppose the person who carries out the valuation has to be taken away from his ordinary business at the office for the purpose?—He is the officer of the Valuation Office.

1876. As the valuation officer, is he distracted and diverted from his ordinary business?—I cannot say for certain, but I think it comes very much in the way of his ordinary business; he is an outdoor officer, I think. The gentleman who makes most of these valuations is Mr. Bell, a valuator. I do not think he is an indoor officer

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of the Valuation Department, but of course he is very often going through the country, even when not making these special valuations.

1877. Do you think that there would be some advantage in having a special officer for the purpose attached to the office of the Board of Works; were this plan carried out, it would, I suppose, engross a great deal of the time of a public servant, if he were to go through all these facts in the case of every estate which came into the Landed Estates Court, and was suitable for sale to tenants under the 71st section, which limits these transactions to agricultural holdings?—I have no doubt it would occupy a considerable portion of his time.

1878. Now supposing, besides these duties which you have already assigned to him, he were to attend at the settlement of the rental before the Examiner of the Landed Estates Court, and add such assistance as he could there on behalf of the tenants, do you think that that would be a good plan with the view to facilitating purchases by tenants?—I do not think that the Board's officer attending as the advocate for the tenants, as it were, would be a desirable thing.

1879. But why not?—He would appear always in the capacity of being a person on one side, while the officer of the Court would sit there judicially to determine the matter, and I do not think that it would be a desirable thing that the officer of the Board should always attend to make out a case on behalf of the tenant, and fight a battle with the agent and the solicitor having the carriage of the sale; I think it would place the Board in a very invidious position.

1880. Is not that the very cardinal point of Mr. Vernon's suggestion; he says that the Landed Estates Court has to discharge the incompatible duties of attending to the interests of the landlord on the one hand, and the tenant on the other. Now, would not this officer of the Board of Works representing the tenant, and the solicitor having the carriage of the sale representing the landlord, and the Examiner of the Court representing the judicial element, be a complete carrying out of Mr. Vernon's suggestion?—I do not think that arrangement would relieve the Court from the position which Mr. Vernon complains that they are in, because still they would have to attend to the interests of the seller, and still have to attend to the interests of the tenant, although hearing a representation from the Board of Works.

1881. Is it possible under any consolidation to remove that decision from some authority; if you are to fix the upset price at which the tenant shall buy, and the landlord shall sell, is it not necessary to have somebody who shall arbitrate between those conflicting interests?—I think it would be the best way to let the officer who visits the lands be an officer of the Court, and give his information to the body whose officer he is, instead of having an officer of the Board of Works appearing as the advocate of the tenant, and submitting this information to the Court. If the information acquired by that officer is to be supplied to the Court, I fail to see why he should not be an officer of the Court.

1882. Do you not see that the action of the Board, in the way I suggested, could hardly be invidious to the tenantry in Ireland?—I think there would be frequent complaints made even by tenants; they would be apt to complain that

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the Board of Works were not zealous enough in pushing their interests; and I think, also, it would be inexpedient to present the constant spectacle of the Board using, as it would appear, all its influence against the landlized power of the country, so that I think it would be a very unsatisfactory position to place the Board in. The tenant would complain that his interest was not guarded with sufficient zeal; while, on the other hand, the vendor would consider that the Board's officer was pressing too strongly against him.

1883. Is not that a risk which must be incurred in any operation of this kind; and do you not think that a judicious and a capable officer might so conduct his operations as to secure both interests?—I do not think he could. I do not think that it would be found in practice a satisfactory arrangement.

1884. As far as the landlords are concerned, they have their own agents to appear for them; it is not contemplated at all, as I understand, that when this emissary of the Board of Works has made the best case he can for the tenant, and made the best offer that he thinks right, he shall have any power to oblige the landlord to accept that offer?—I fully understand that.

1885. The landlord, after all, has entire free will to accept the offer and deal with the tenant, or to say he will not accept it, and then the estate goes to the hammer in the usual way; I do not see how the landlord could complain of that; the operation seems to give him the opportunity of obtaining a price above the market value which he may refuse or accept as he pleases; if he accepts it, of course he does so of his own free will, and if he refuses it he can hardly complain that he has not been offered a very good price?—But if, as I understand, that the Board's officer is to suggest the cutting up of the estate into lots, or to suggest the formation of lots in any way, then he may come into conflict with the vendor.

1886. That is hardly so; because, as I understand it, the suggestion is, that unless the landlord approves of selling the property in this way, and approves of letting it, it is not to be done over his head by the officer of the court; there is to be no compulsion of any kind, as I understand?—There is to be no compulsion; but in the way I understand the matter, there would be an argument before the examiner, the Board's officer taking part in it and pressing the claims of the tenants; and, on the other hand, probably the agent, or the vendor, if he were there, or the solicitor having the carriage of the sale, opposing the views of the Board's officer. I think that is what would be likely to take place.

1887. I do not understand that the duty of the Board would be to force upon the landlord in any sale he was bringing forward, the necessity of making lots, but that he should state in the most favourable terms, and offer in the most advantageous way to the landlord, a price for what he has to sell, and represent what advantages, by the assistance of the Board of Works, the tenants can offer to him as purchasers over purchaser in the open market; that is the way I understand the suggestion to work out; do you see any unpopularity in that?—I see no objection to the officer of the Board estimating what the price given should be; but, as I have already said, as to suggesting the formation of lots, I think it objectionable for the Board to take that position.

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1888. You have stated that you think there is no officer at present attached to the Board of Works who could undertake such a duty; could the inspectors of drainage works and land improvements under your Board be utilized in that way; are their hands so full already as to prevent them from going down to the lands and valuing them?—I have a very good knowledge upon that point, because my division of the office embraces the Land Improvement Department; I think some of them would be very competent men, but I do not know that others would.

1889. Will you explain to the Committee what their relations with the Board are at the present time; does the Board take all their time?—No, they are not salaried officers; they are for the most part country gentlemen, and when an inspection has to be made to see whether certain works have been executed for which a land improvement loan has been made, special instructions are sent to them for a particular case, they being paid by the job. A copy of the plan, estimates, and specification is sent to them, and they go over the land and see, in the case of drainage, whether the drains are laid out according to plan and specification; but the majority of the land improvement loans now are made for the erection of farm buildings and labourers' dwellings, so that in any recent appointments of land improvement inspectors the Board had more a view to the person having a knowledge of buildings than of land. It is only some of the old inspectors who were appointed before the Act extending the granting of loans to farm buildings was passed, who are what I may call the men who understand most about land.

1890. Then, on the whole your opinion is, that if such a plan were to be carried out, it would be better to have a separate officer for the purpose of such investigation?—I think so.

1891. You said that you thought that whatever relaxation there might be in regard to sub-lettings, before a loan is applied for, of the holding which the tenant is proposing to buy, you would, as regards sub-letting during the currency of the loan, like to see that very carefully guarded?—Yes; I would not say that in no case it should not be allowed, because a case might be made out in which it would be hard to refuse it, but I think the tendency of sub-letting would be to defeat the intention of these clauses, which is, to unite ownership with occupancy; you would thereby create afresh the relations between landlord and tenant.

1892. I quite agree with that, but could you in any way give the Committee any rule, or canon of caution, in such matters?—No, I am not prepared to do so; I would be strongly against it in every case; but the reason why I would not say it should never be permitted is this, that I do not know but that some circumstances might arise which I cannot contemplate at present, which would render it desirable to make an exception with regard to them.

1893. You would give a discretion to be very cautiously and rarely exercised?—Yes.

1894. Now you say that you would not be against sub-division in certain cases; I think you specified a farm of 150 acres as the kind of case in which you would not object to some kind of sub-division?—Yes, or even in the case of a farm of less than that size. What I think is this: that there should be a minimum quantity of land, and also

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also I would have a minimum as to value, because the same amount in land might in extent be very much greater in value.

1835. Have you, in your own mind, any such limit?—I think my opinion would not be of value on that point, not being an agriculturist, but I think that if the opinions of experienced agriculturists were ascertained upon that point, it would be found that there is a point below which there could not be successful farming; I would advise that no loan be granted below that point, and then I would permit subdivision where the effect of it was not to leave in the hands of any one person a smaller quantity than that quantity for which you would make a loan.

1836. Of course I do not press you if you do not wish to give an opinion, but you have, no doubt, conversed with a great many of these tenants, and also landlords, and people connected with agriculture in Ireland. Have you any opinion as to the kind of holding below which you would not wish to go?—From the opinions I have heard expressed, about ten or 12 acres, I think, should be the lowest limit.

1837. Would that be good land, bad land, or average land?—I would say average land, but I am not an authority at all upon that point.

Mr. Bruen.

1838. I think you stated that in the cases of sub-tenancies existing at the time of the application for a loan, you would be disposed to relax the present rule which forbids them?—Yes.

1839. Would you make a relaxation of that rule in this form: that you would give an absolute permission in all such cases, or would you give to the Board a discretion to permit or forbid them?—I would give an absolute permission where sub-letting did not exceed the quantity of land mentioned in the Treasury letter of November 1873; that is to say, where the sub-letting did not exceed one-tenth of the holding in respect to which the loan was applied for.

1900. And that without any respect to the size of the holding?—Without reference to the size of the holding.

1901. While granting an absolute permission, would you go further and give discretion to permit further sub-letting?—No, I prefer a fixed rule; perhaps a further amount of sub-letting might be allowed than the Treasury contemplate; that would be a matter for consideration, but I think it is very desirable that it should be known.

1902. Do you object to having rules of that kind elastic, or do you think the Board can work more easily when it has rules for its guidance which are laid down distinctly and definitively, rather than giving them a discretion which imposes upon them a considerable difficulty in judging?—I prefer the fixed rule, particularly with regard to that question more than others; I think it would be a cause of embarrassment to the Board if there were not a fixed rule.

1903. I think hitherto your Board have desired to have all these rules laid down, but it not, and not to be allowed a very great deal of discretion?—I think the Board have been desirous of having rules laid down.

1904. In the case of a discretion being allowed to them, it of course imposes upon them a considerable amount of increased work and investigation, and so on?—It does.

Mr. Bruen—continued.

1905. Is it the fact that the present staff of the Board have quite sufficient employment, without imposing upon them judicial duties of that kind?—That is the case; the present staff of the Board is quite sufficiently employed.

1906. I think it was suggested by the honorable Chairman that the Solicitor of the Board was employed before the Act of 1872 in those cases in which loans were made to tenants by the Board, the legal part of the business being carried out by the Board?—No, that is hardly so; the legal part of the business was not carried out by the Board except to this extent, that the draft conveyance to the tenant was forwarded by the tenant's solicitor to the Board's solicitor, and returned, examined, and approved by him, and also that the charging order when obtained from the court was examined by the Board's solicitor, and when found to be all right was reported to the Board by the solicitor.

1907. Is the Solicitor of the Board relieved from those duties now?—No, he has three duties to discharge now.

1908. Then what difference did the Act of 1872 make in his duties?—The Act of 1872 increased his duties in this respect, that it threw upon him the business of investigating the title of the applicants, and making searches, and drawing up the conveyance.

1909. Then do you think it would be possible for the solicitor, without further assistance in his office, to attend at the Landed Estates Court?—I do not. I think he would require assistance; his own evidence on that point given before this Committee last Session explains that, and I quite concur in it from what I know. He is very much employed in transacting the business connected with the various branches of the legal business of the office, and could not undertake further duty in the Landed Estates Court without an increase of staff.

1910. With regard to the recommendation which you made, that the costs should be paid by the court, or rather, that an officer of the court should be employed, and a per-centage fee charged to recoup that expense, upon what would the per-centage be estimated?—It would be estimated on the loan, I think; that is to say, on the amount of advantage which the tenant purchaser derived from the State.

1911. But do the costs of the transaction vary in proportion to the amount of the loan made?—I am not aware of that.

1912. In the case of a purchasing tenant not having the balance in his own possession of the money which was necessary to purchase his holding, do you think he would find it easier to borrow the balance of one-third or to borrow the balance of one-fourth?—I should say he would find it easier to borrow the balance of one-fourth.

1913. Did you hear Mr. Mc'Donnell's evidence upon that point?—No, I did not. He gave some evidence on that point which I could not quite hear.

1914. I think Mr. Mc'Donnell's view was that a property being charged with three-fourths of the amount of purchase-money would make it more difficult for the tenant to borrow the other fourth, on account of the first charge being so much larger than if the two-thirds of the purchase-money only had been advanced?—That must have referred to borrowing upon the security of the land; but as I understood, the question



Chairman.

question was this, that inasmuch as I have always sold tenants that they cannot raise money upon the holding, they sometimes speak of borrowing the remainder on some personal security; and I think, confining it to that, it would be easier to borrow the one-fourth than the one-third.

1915. Is there anything which you would desire to add to the evidence which you have already given?—There is one fact which the Committee might like to know; that is to say, that there are only two cases of borrowers being in arrears up to the present time, and that their noted liabilities amount to 27 l. 3s.

1916. Have proceedings been taken against them?—In the last Session there was one in arrears, and proceedings were threatened. Now there are two; the case of last Session has been arranged.

1917. All the others have paid their instalments punctually, have they not?—Yes, they have paid their instalments with great regularity.

1918. Is the Office of Works prepared to

Chairman—continued.

allow any loan to be paid off at any moment?—Yes, the annuity may be redeemed at any moment. Then with regard to the point of assignment, I might remark that when a borrower wishes to assign his holding, and makes an application to the Board, the Board represent the case to the Treasury, and in about 20 instances the Treasury have, after investigation, sanctioned the assignment of the holding, the principle they go upon being that the person to whom the holding is assigned should be a person of the same class as the original borrower, a resident agriculturist.

Mr. Ferrier.

1919. But not necessarily upon the same farm?—Either that or in proximity to the farm in respect of which the loan has been made; in most cases these are family arrangements, where a man is allowed to assign his farm to his son or to his nephew, subject, of course, to the Board's charge.

The Right Honourable SIR WILLIAM HENRY GREGORY, called in; and Examined.

Chairman.

1920. I need hardly ask you whether you were formerly Member for Galway?—I was Member for Galway for 10 years.

1921. Since then you have been Governor of Ceylon?—Yes.

1922. You are also a landowner in Galway?—I am.

1923. And have been Chairman of the Board of Guardians?—Yes.

1924. I believe you have, for many years past, taken great interest in the subject now before the Committee?—I have for many years taken a very great interest indeed in the matter.

1925. I think you have yourself sold land to some of your tenants?—I have.

1926. Believing that it was extremely important to stimulate the creation of small ownerships of land in Ireland?—Yes; I sold a great deal of land in the Encumbered Estates Court in 1857, and as I always had a very strong opinion upon the subject upon the expediency of creating as many peasant proprietors as possible in the neighbourhood, I endeavoured, as far as I could, to induce my tenants to purchase. At that time they had not quite sufficiently recovered from what was called the "bad times," and they were very timid about purchasing, but I induced, I think, two or three to purchase, promising that I would obtain for them, upon my security, whatever balance of the purchase money they did not happen to have. I think they gave me 20 years' purchase for the land they bought, and they promised (and I had nothing but their promise and their note) that they would repay the balance, which was about one-half the purchase-money, within three years, and I found in the instances to which I have alluded, that the whole of that purchase-money was paid in about a year-and-a-half, without any observation on my part.

1927. Was the price which your tenants gave you about the same as that at which you sold to other persons in the Encumbered Estates Court?—I think the tenants gave something more. I

Q51.

Chairman—continued.

think the average price the general public gave was 18 l. years' purchase.

1928. What has been the effect upon the farmers who bought?—I made particular inquiries some time ago as to how they were getting on, and I was told, not only by one of themselves, from whom I inquired, but also from everybody round, that they were getting on prosperously; in fact, they were objects, I believe, of the envy of their neighbours, who very much regretted that they did not make every effort in their power to do the same. Those men were holders of farms, rented, as well as I can recollect, at about 30 l. and 40 l. each.

Colonel Taylor.

1929. How much land did they hold?—I suppose that the rent that was paid was about 1 l. an acre for the agricultural portion of the farm, and there was some mountain land attached, merely grazing land which was held in bulk.

Chairman.

1930. Do those persons still remain in possession?—Yes, they still remain in possession, and are extremely flourishing. Perhaps I may mention that some time ago I was in communication with one of them in particular, and I was speaking to him a good deal on the subject of his holding, and the advantages or the disadvantages of purchase, and the only complaint that he made was, that he thought he had paid too much for it, because the average of the sales of the rest of my land was about a year's purchase less than he gave; but I asked him what he meant to do in regard to this farm in case of his death. I said, "Are you going to subdivide the farm?" and he replied, "Certainly not."

Mr. Hoggate.

1931. What acreage had he?—I cannot exactly tell the Committee the acreage, because a portion of it was held in bulk.

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1932. What

Mr. Shack.

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Gregory.

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Sir W. H.  
Gregory.

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1878.

Mr. Flanck.

1932. What was his rent?—I think he had about 30 acres of tillage land besides mountain, and paid about 40 l. a year. I cannot be quite accurate in respect to figures, because I have not had time to send for the accounts. He said he had certainly no notion of subdividing his farm; that it would never do now-a-days to subdivide a farm; that a farmer must look to stock, and to stock alone, to pay him, and that nothing would induce him to subdivide. I then asked him, "What do you mean to do with regard to your younger children?" He said, "I mean to put a charge upon the farm, and when I die, the son who succeeds to the farm will have to pay the sums which are charged upon it to the younger children." I then went to inquire if that were the case in another instance, and was informed that the owner said he intended to act in a similar manner. I had some conversation with one of the men upon this subject of subdivision, and he seemed entirely opposed to any notion of subdivision. When I remarked to him that the large charges upon that farm would operate as a very heavy burden upon his successor, his reply was, "I worked hard enough to make the money when I paid your honour, and I do not see why my successor should not work hard enough to pay the allowance for his brother and sister." Being chairman of the board of guardians, I have many opportunities of speaking with the guardians in my part of the country as to the effect of tenants being able to purchase their holdings, and I am bound to say that I have never, in a single instance, found anything but a very great desire to do so. I have always put the question to them with regard to subdivision, which is the main objection to a principle of this kind, and I have found, to my very great satisfaction, because, as I have said before, I am very strong in my opinion upon this point, that every one of them has said that now-a-days it was totally impossible to subdivide, that every farmer must look for his profit to stock, that is cattle and sheep, and that with a very small farm it would be impossible for them to do any good; and that therefore the younger men must go, while one man continues to hold the farm. I think I may say that I have never, in a single instance, found, in conversation with any of the farmers, that they have any notion at all at present of subdivision.

Chairman.

1933. You would contend that it would be the wish of the Irish farmer to leave the value of his property among his children, but to leave the farm itself intact to one, subject to a charge to the younger children equivalent to the value of their share?—I think anyone who knows the west of Ireland is aware that the farmers there have the very strongest feeling about dividing their property among their children.

Mr. Flanck.

1934. Do you mean in equal shares?—I would not say equal shares, but of leaving a considerable amount to their children; there is a very strong old traditional feeling on the subject.

Chairman.

1935. You allude to their giving portions to their daughters?—Yes; in many instances, I think, far too large for the size of the farm; but such is the feeling of the Irish peasant that he

Chairman—continued.

wishes to leave all his children something. In former days that took the shape of cutting up the holding into infinitesimal portions of land, which was the ruin of the country; but now that they are making money, as they are undoubtedly doing, that old feeling has taken the shape either of making a charge upon the farm or leaving ready money to their younger children.

1936. You think that the usual course would be to leave the farm to one of the sons whom he thought most capable of carrying it on, subject to portions for the younger children?—Quite so. That is a point upon which I have endeavored to inform myself as much as possible by talking with the tenants. They have often said to me, "I wish we had got our holding free;" and I said, "I suppose you would be cutting it up;" and they said, "No, we would not think of doing that."

1937. I may take it that you have not much fear upon the subject of subdivision?—I have not; and I may give another reason for that view. In former days there was really nothing for these people to live upon except their patch of potatoes and their pig; there was hardly an outlet for them, whereas, now, there is an outlet in every way; there is a demand for labour, and the adventurous spirits among the younger men are desirous of going to the Colonies. There is no longer that feeling of clinging to a patch of land not bigger than this room, and living upon it.

Mr. Flanck.

1938. Would you say, on the other hand, that there was any consolidation of small holdings at all?—I cannot say that I see it, because I do not think there is the opportunity; where people have a piece of land they cling to it with great tenacity. As far as my experience goes, I have seen very little consolidation upon the part of the people themselves, that is to say, one small man buying up another small man's farm.

Chairman.

1939. I need hardly point out to you that the State would have some control over the farms that were sold for a time, until the instalments and mortgages were paid off, and that if there were any tendency to divide, its operation must be remote, as the farms would be under the control of the State for 34 years?—Yes; and during that period I should be very slow to consent to subdivision at all.

1940. You do not think that any facilities should be given by the Treasury for subdivision during that time?—I do not.

1941. You think that those terms would be accepted by the tenants in Ireland?—I think they would. I do not think you would find any objection upon the part of tenants, as far as I can judge.

1942. I recollect that in 1870 you were strongly in favour of the clauses which are now under the consideration of the Committee?—I was, and always have been. I always considered that in a country like Ireland, where the land is possessed by landowners, the great majority of whom differ in blood and in language in some respects, and in religion from the cultivators of the soil, it would be about one of the most conservative, or the most conservative policy possible to fix upon the soil a large number of the people of the

Chairman—continued.

the country themselves. I believe that in every man who is thus placed upon the soil as the owner of his land, you have, as it were, a special constable on the side of law and order, and I have always looked forward to the measure as one which would bring at once the people of the country more in harmony with the landlord, and be for the general interest of the country.

1943. It is when the land is about to be sold over the tenant's head that it is more desirable, if possible, to give facilities for purchase; would not that be your opinion?—Certainly; because I think that a great deal of this outcry with regard to holdings in land has originated with persons speculating in land, buying it, and then exacting from the unfortunate people whom they have bought as tenants, immoderate, unjust rents.

1944. People have come in who have not known the custom of the estate, or the mode of treatment of the tenants, and have raised the rents in many cases to a large amount?—Yes; they have treated the estate and the human beings on it as a mere speculation, totally regardless of their sufferings.

1945. Therefore the operations of the Landed Estates Court, though beneficial from one point of view, have increased the difficulties of that kind?—No doubt the operations of the Landed Estates Court are very beneficial to the general prosperity of the country, but as far as regards the small class of tenants, I am afraid that the operation of the Landed Estates Court has proved very generally upon them.

1946. And has done much to raise the question of tenant right?—Yes; I think so. The former race of landlords, if they were reckless and extravagant, were, at all events, very much allied to their tenantry; they were easy towards them as far as their necessities allowed them to be easy; but these persons who have come in and have purchased under the Landed Estates Court, have very little bowels of compassion for their tenants; they bought to get a per centage, but they did not assume any obligation towards the property they bought.

1947. Then it is especially where there is about to be a change of ownership that it is important, if possible, to give facilities of purchasing to the tenants?—Most important, both as regards the feelings and as regards the interests of the tenants themselves.

1948. You think it is a legitimate subject of State attention to lend money to tenants to buy at that point?—I cannot conceive anything more legitimate than that the State should do everything in its power to facilitate the operation of tenants becoming owners of their farms.

1949. You think that the State should advance money upon easy terms for the purpose?—Yes, upon the easiest terms they can, compatibly with obtaining proper security.

1950. It was suggested by Sir Frederick Heygate that there might be great danger, in the event of a bad year, of those new purchasers being unable to pay the instalments and interest upon the capital; do you think that there is danger of that happening?—I do not say that cases might not arise in which a tenant might be unable to pay in very bad years, but I almost doubt it.

1951. Do you think that public opinion would justify the State in selling up, in the event of a tenant being unable to pay the instalments and

Chairman—continued.

interest?—Of course the State could sell up a defaulting tenant, but I think, if a very short time were given him, he would almost invariably make good his deficiency.

1952. The suggestion is that there is danger of these new owners falling into arrears in the repayment of capital, and then public opinion not supporting the State generally in recovering its money or selling up the defaulter; that you would not fear it?—I should not be afraid of it myself; and what is more, I have myself seen many instances in which a tenant being in arrears, the landlord has said, "I know you have not got the money, but I will not turn you out if you can pay a certain amount," when their friends have invariably advanced the money. I have known many instances in which a certain sum would clear off all arrears, that amount has been borrowed, and I have known the persons who lent the money, and lent it almost for nothing, rather than the man should be sold up. Unless it was a time of general calamity the friends would almost invariably lend the money.

1953. I need hardly point out to you, that as years go on, the charge to the State diminishing yearly, the prospect of extinction becomes greater?—Quite so.

1954. I suppose you have formed your opinion upon all these difficulties?—I have paid a great deal of attention to the subject, but my mind has latterly been a good deal occupied with other matters.

1955. Have you been able to read the evidence which has been given before this Committee?—I have not; but I may remark that I have heard the tenants in my part of the country praising the facility with which they were able to purchase the globe lands. I believe that greater facilities are offered for the purchase of globes through the Board than are offered in the case of sales through the Landed Estates Court.

1956. Can you form any opinion as to the proportion of tenants in your part of Ireland who would be able to buy their farms if opportunities were afforded them?—A few years ago I should have told you that I thought the proportion of those who could not buy would have been very much larger than of those who could buy; but I should tell a very different story now from what I hear. Certainly last year has been bad, but I have heard that a large proportion of them have, more or less, been able to pay by money; I have heard of instances of tenants, apparently poor, being possessors of considerable savings.

1957. You think there are a considerable number then who, if an opportunity were afforded, would be able to produce the balance of the purchase money?—Yes, and it must be recollected that I am speaking of a poor county, namely, Galway.

1958. If that were the case in your part of the country would you say *à fortiori* it was the case in other parts of the country?—Yes, I would.

Mr. Fernald.

1959. You say that from what you hear, a great many would be able to produce the money, who you thought formerly would not be able to do so; what information do you speak from when you make that statement?—I was speaking, first of all, from the real and practical test, namely, the rent; I find that instead of people asking for time now, the money is paid the moment the

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agent appears; it is never a question of waiting for a day. I also take the opportunity, when I go about, of speaking with the most intelligent of my own farmers, and also particularly with men who are members of the board of guardians. We have a very good board of frieze-coated men; I meet them on the road, and know them very well, having been their chairman, and I constantly ask them with regard to the capability of the farmers to purchase their land, and whether they would like it, and what they would do.

1860. When you say "from what I hear" you say that, I presume, in contradistinction to what you know?—Yes, this is only my opinion, aided by the test of rent.

1861. In the cases where you say that you think a farmer purchasing his farm by instalments in this way might leave a charge on his farm for his children, supposing he died in a few years, and left the farm to his eldest son with charges on it for the younger children, all his money being spent in buying his farm, how do you think the new owner could get on, having to pay the remaining instalments, and having also to pay the charges to his brothers and sisters?—I think one's answer to that is this, that where a man had purchased his holding, the payment would be pretty much for the time being just as his rent was before, and even with paying the rent, they are generally able to set by a certain sum of money for paying their brothers and sisters' shares; they accumulate the money somehow.

1862. But has he not raised the money to pay the third of the purchase money?—Yes, he has; but I think there is always a margin between the profits of the farm and the interest he would have to pay, which would enable him, besides paying the interest, to accumulate a certain sum of money; but, of course, if the money were not forthcoming the younger children would have to do without it.

1863. Do not you think they would all remain on the farm?—I think they would probably remain working on the farm; but I do not think that the farm would be subdivided, or that any new dwellings would be erected on the farm.

1864. You were saying that now-a-days the facilities for emigration, and so on, were so great that the younger members of a family were inclined to ask for their money, and go off; but, in a case like that they could not?—No; of course there would always be sufficient money to take a single man to Australia or America; it is a different thing if it is a large family.

1865. In the case of very small holdings, do you think there would always be sufficient money?—I am very much afraid of the very small holdings; I have always thought there was a difficulty about them.

1866. Then do you feel inclined to name a limit?—As at present advised, unless I could see my way to deal with the very small holdings, I certainly see very great difficulties about them.

1867. Then you would be inclined to fix a limit?—I have not based of any plan; I should be very glad if there were any plan put forward to enable one to deal with small holdings. I certainly think that there is a difficulty in dealing with holdings, of three, or four, or five acres.

1868. Then you would not think that 15 or 20 acres might be the limit?—If you put a limit at all, I should not like that limit to be by acreage,

Mr. Ferver—continued.

but by rent. I would take a person paying from 10*l.* to 12*l.*, or 15*l.* a-year rent, to be about the limit below which it might not be desirable to go.

Sir Walter Bartlett.

1869. You said, did you not, that in your county, the average rent, or rather that there was a large number of farms let at about 30*l.* a-year?—But there are large tracks of arable land and waste land held in bulk, of which the rent is not perhaps more than 3*s.* or 4*s.* an acre, and in some places it would not be 5*s.* an acre, so that I do not like to use the word average in this sense, except as rent.

1870. You know the whole of Ireland very well, do you not?—No, I cannot say that I do; I do not wish to speak of any place except my own.

1871. You know the west of Ireland?—I do.

1872. What is the general size of holdings in the west of Ireland?—They are generally small.

1873. Would 10 acres be the usual size of a holding in the west of Ireland?—Yes, I should say if you struck an average, that about 10 acres would be the average.

1874. Would you think that it would be advisable to sell to that class of tenant?—I should not care to sell to anybody very much lower than that.

1875. But "very much lower" might mean two or three acres?—I think 10 or 15 acres of land would be the lowest that I would be inclined to go to; I am not at all anxious to go lower than that.

1876. But the sales you made you said were to tenants paying 30*l.* or 40*l.* rent?—They were.

1877. There is a very considerable difference between that and 10*l.* a-year?—No doubt.

1878. Therefore you sold to a very different class of tenant?—Yes; but I know that there are a great number of tenants paying as little as 10*l.* a year who have a very considerable amount of money. There is one tenant now who wants to get more land from me; he has got 10 acres, and I am told that man could produce 1,000*l.* at a week's notice.

Colonel Taylor.

1879. Do you mean that that sum has been made out of his farm of 10 acres?—Not from the produce of the 10 acres, but he is in what in ordinary phrases we call a "jobber;" he goes about and buys cattle, and brings them home, and uses his 10 acres for them to stray on till he disposes of them, which is not very long, not more than a week, perhaps.

Sir Walter Bartlett.

1880. Supposing you sold to a tenant having only 10 acres, and the instalments were not paid, what ought the State to do?—I suppose there must be a sale.

1881. Do you think that course of proceeding would be popular in Ireland?—No, I do not think it would be popular, but I think it would be considered just.

1882. It might be to a certain extent just, but do not you think, knowing the Irish temperament, that it would bring the State into great dispute?—I do not think so, simply for this reason.

*Sir Walter Barttelot*—continued.

reason, that when you evict a man for non-payment of rent, public opinion does not go against you; if you evict him for other causes of course it does, but for non-payment of rent I do not think I ever hear of persons being blamed.

1863. Then of course the State would make a forced sale of the property?—The State would make a sale of the property.

*Chairman.*

1864. The State would sell it as land in hand, which always fetches a higher price than land in occupation?—That is so.

*Sir Walter Barttelot.*

1865. Then supposing sales were made to men with 10 acres, do you think that they would put up proper and respectable houses upon those 10 acres?—I think that by degrees they would improve their present houses and make them suitable for small holdings.

1866. Do you think, putting it in one word, that it would be for the interest of Ireland that you should have a class of peasant-proprietors owning 10 acres of land?—If it were limited to 10 acres, even then I should be prepared to facilitate the sale, but I presume there would be very much larger tenants than that purchasing.

1867. I was taking the figure of 10 acres because I understood from you that 10 acres was the lowest point to which you would go?—I should rather say 10 l. or 12 l. rent, that is the very lowest point to which I would wish to go.

1868. Now I wish to ask you this question: you stated, and stated very clearly, that Ireland is undoubtedly very prosperous at this present moment?—As far as I can judge it has improved in a most remarkable degree.

1869. Then if that is so, the tenants are in a far better position than they ever were in 1870 to purchase under the present provisions of the Bright classes?—I should say certainly they were, except that last year, I am told, has been hard upon them.

1870. But with the exception of last year, which may or may not have been hard upon them, a circumstance which, of course, must occur periodically, the Irish farmers have undoubtedly made a large amount of money?—They have been doing very well, I believe.

1871. Then if that be so, looking to the political economy of the case, is it not wiser that a man should use his own money to purchase his holding, instead of borrowing the money of the State?—I think you cannot deal with these matters solely from that point of view. I think you must also look at the effects which the sweets of property have upon most persons; you will never get an Irish tenant who paid rent to a landlord to have the same feeling as the man who was his own landlord would have.

1872. My question was this, that surely it is far better for a man to use his own money than to borrow the money from the State?—Unquestionably, if he has it.

1873. Then looking at the matter broadly, after what you have stated, do not you think that if the State finds two-thirds of the money, it is a very liberal proposition to find?—I think two-thirds is very liberal; but I should be glad to have even better terms offered, for this reason, that I have been, and am, such a very strong advocate for this, as I consider, most conservative proposal.

G.S.I.

*Sir Walter Barttelot*—continued.

1874. But in your case the tenant purchasers find you one-half?—I think it was half.

1875. Would it not be the case, looking broadly at the matter, that all these men who have money, and to whom it would be no doubt a great advantage to let them purchase their own holdings, could do so with the two-thirds that are now allowed by the Government?—They might be able to do so, that I am not prepared to say; the real point is to make the terms as easy as you possibly can, to give every one of them a chance.

1876. Would not this be the effect, that all those men who would be fit to purchase, and who have larger holdings, will be able to purchase with the two-thirds accommodation?—I think so.

1877. And that then would come down to the poorer and smaller, and more inferior class, who would require the three-fourths to enable them to purchase?—No doubt the smaller classes would more require these easy terms than the upper classes.

1878. Having got their farms upon these terms, do not you think that, looking to the difficulty there is in encumbering a small holding of that kind beyond the amount which Government would lend upon it, they would be very much inclined to subdivide those farms after their death?—I do not think so. I think I may say that there is quite as strong a feeling nowadays against subdivision as there used to be in favour of it in former days.

1879. I quite admit that that may be the case with the larger holders, but do you think that that feeling has got down to this small class of holders?—Yes, I think so; because I think they are beginning to see from the precociousness of the potato crop that it is almost next to starvation to subdivide largely.

1880. Has it come to your knowledge or notice in some of the well-managed estates in the south and south-west of Ireland, that even though the landlords have put up new farmhouses, yet that the sons of the tenants who have gone into the new farmhouses are begging and praying to be allowed to remain in the old farmhouse, and to have a small amount of land allotted to them?—I do not know that that has been the case.

1881. You have not been lately much in Ireland, I believe?—Not lately, but I have not even heard of that.

1882. You would agree, I presume, that in any sale which might be made of an estate, the interests of the landlord certainly ought to be primarily cared for?—Most undoubtedly, I think the interests of the landlord ought to be cared for.

1883. That is to say, you would be very much against the sale to tenants of any portion of the estate, supposing that sale should damage the sale of the whole estate?—Yes, I think so; I do not see that you have any right to prejudice a man's property for the sake of the tenants on a portion of that estate, but I do not very well see how that could arise. Of course, if you sold a piece of land to tenants in the midst of grazing land, or anything of that kind, you might affect the property in that way; but taking the proposition broadly, do I think it would be right to affect the sale of the whole estate of a landlord by selling a portion of it to the tenants, I may broadly say, No, I do not think it right to do so.

2004. Then

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Right Hon.  
Sir W. M.  
Gregory—  
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1878.

Right Hon.  
Sir W. E.  
Gregory.

14 March  
1878.

Sir Walter Bartlett—continued.

2004. Then you do not think that, for the sake of creating proprietors of this kind, it would be right in any way to do an injustice to the landlords?—I do not think it would be right in any way to do an injustice to the landlords.

Sir John Leslie.

2005. With regard to agriculture in Galway; I believe the standard is rather low, is it not?—I should say it was, certainly in comparison with some of the eastern counties and the north.

2006. Would not it be a very great objection, as you have already said that you are afraid of going lower than a certain rental, say of 10 l. or 12 l., that the prospects hereafter of a tenant of a very small farm being able to cultivate to advantage, would be considerably reduced by the fact of being required to find the capital necessary for the purchase; that is to say, his desire to purchase his farm might very likely eat up his capital, and leave little to be put into the ground, and leave him in a state of great pecuniary embarrassment from the mere fact of having purchased his farm?—I think so little of the capital really goes into the ground, except the capital of the man's labour, that that would not greatly affect the question. The manure is manure made on the spot, and very little capital in any shape actually goes in except that which I have stated.

2007. In our part of the country it is different, no doubt, because a good farmer in our country looks upon it as being absolutely necessary to have capital, in order to bring his land up to a high state of cultivation?—No doubt; and I have no doubt the western man will do the same in time.

2008. Therefore, I would suppose it rather reduces the prospect of cultivation that a tenant farmer of a holding below a certain size should become a proprietor?—I think not, because I think when once a man gets his own farm he will put his whole heart and work into it, and I think the tendency would be that he would improve it very much.

2009. Do you make any distinction between the plan adopted by the Church Commissioners and that adopted by the Landed Estates Court?—I have heard the people themselves speaking of the very favourable terms which are given by the Church Commissioners for the purchase of the glebes; but to tell the truth, I am hardly aware of the exact difference between the terms of either body, except that I believe there is less trouble and formality in dealing with the Church Commissioners than with the Landed Estates Court.

Major Nolan.

2010. A question was asked you about the amount of capital which a farm required to work it; is it not the fact that in the west of Ireland the land is either large grazing farms or else held in lots so small that men can cultivate them with the assistance of their own families?—Almost invariably.

2011. Consequently, for tillage purposes, capital is not so much required as increased energy in cultivation?—That is so.

2012. So that the objection of the capital being withdrawn from the cultivation of the land, would hardly apply in the west of Ireland to tillage farms?—No, I carefully said that I thought the man's labour was the capital that was put into

Major Nolan—continued.

the land, and I would beg to add that the tendency is each year to put as much land into grass as can be done consistently with enabling a man to have a certain amount of tillage for his own particular wants, by the cultivation of potatoes, turnips, &c.

2013. You were asked whether this scheme was in accordance with the principles of political economy; would you not say that the method upon which land has been held and dealt with in Ireland for generations was against all rules of political economy, that properties were too embarrased, and too much tied up, to allow the rules of political economy to act in respect to the subdivision of holdings?—No doubt most of us have arrived at the opinion that the more you release property from embarrasment, the more you are acting in accordance with the great principles of political economy.

2014. In Ireland has not the tendency of the law been to create too few properties, and to concentrate the land in too few hands, and not to allow small men to buy properties?—Yes; no doubt the great expense attending transfer has been quite sufficient of itself to prevent tenants purchasing.

2015. So that we have to make up the arrears of past generations if we wish to establish any number of modern proprietors in Ireland?—Without even looking to that very proper repentance for the past, what I am so anxious for is, the prospect of the future, in which I would desire to see established a steady, prudent, and thrifty race of peasant proprietors, who would, as I said before, naturally enrol themselves upon the side of law and order.

2016. In addition to that, if Ireland is left without small proprietors, would there not be a tendency to divide the people into two hostile camps, the landlords on the one side, and the tenants on the other?—I made some observations a few minutes ago to the same effect, that I thought there should be a far greater sprinkling of small proprietors of land amongst the people, who are really more identified with the soil than the landlords themselves.

2017. Is there not now a much higher standard of living than there was before?—There is.

2018. And has not that a great tendency to check subdivision?—It naturally would have. Whereas in former days a man was content to live on a few potatoes, he now looks to his regular supply of bread, the same as we do ourselves. The bread cart now goes along the road in every direction, and supplies the country people with white bread every day.

2019. And that higher standard of living will check subdivision very much more largely for the future, will it not?—People will not be disposed to fall back upon the wretched diet which they starved upon in former days.

2020. You also stated that emigration would tend to check the subdivision of holdings, is it not the fact that nearly everybody in Ireland can emigrate if he chooses?—Yes, very great facilities for doing so are given by emigration agents in this country.

2021. Does not an Irish peasant, if he has not sufficient money, come to England first and work until he obtains it?—Yes; to emigrate to America, he can earn enough in one season, but if he wants to go to Australia it will take him a longer time; but, practically, any man of good character may

Major Nelson—continued.

go to Queensland, or New Zealand, on application to the emigration agents for the colonies here.

2022. You also state that you expect very little difficulty in the payment of instalments, does not the tenant at present pay his county cess, his taxes, and so on, without difficulty?—Yes; but that is a smaller amount than the instalments which he would have to pay.

2023. But there is no odium incurred by the collection if he has to sell up a defaulting tenant, is there?—I do not know of any.

2024. And there would be no odium against the State if they were obliged to sell up a man who could not or would not pay his instalments?—I do not think there would, any more than there is against a landlord who sells up a tenant who will not pay his rent.

2025. So that there is not that practical objection to the State advancing money?—I do not think there is. I think that pressure on the part of the State would have very rarely to be exercised, from the assistance which neighbours will give one another, which the honourable Member knows they are always willing to do.

2026. In addition to that, would not the members of the family in America, or in England, or elsewhere, be still more anxious than they are at present to send home assistance if any difficulty of that kind arose?—I do not know that that is a matter upon which I should lay any stress.

2027. But you consider that the instalments would, in the great majority of instances, be punctually paid?—Yes; I think the instalments in the great majority of instances would be punctually paid. I think the cases in which the State would have to sell up a defaulting tenant would be very few indeed.

Colonel Taylor.

2028. What is the greatest proportion of purchase-money which you think the State ought to advance in order to enable tenants to purchase?—I attach such very great importance to the question that I should be prepared to go as far as three-fourths.

Mr. Phelan.

2029. Would you do so in all cases?—There might be modifications, but I would say about three-fourths; I would rather speak generally than say in all cases.

Colonel Taylor.

2030. Have you no apprehension that the intervention of the State would, in point of fact, make many people bankrupt proprietors?—I do not think it would; because after all if you compare the amount which they would have to pay in rent to the landlord with the payment to the State, I do not think that would be more than the rent.

2031. Do not you think that the instalments would be more than the rent?—The tenant purchasers would have to pay 5 per cent. upon the purchase-money, that is to say, 3½ per cent. as interest, and 1½ per cent. sinking fund; I imagine that that would not be more than the rent.

Mr. Heggate.

2032. I do not quite understand how far you would go in your approval of this policy; I understood you to state that you had long been in favour of the expediency of creating as many

Mr. Heggate—continued.

peasant proprietors as possible, but that at the same time the experience you have had is limited to your own sales, which were of properties rented at from 30 l. to 40 l. a year each?—The farms were small.

2033. I rather mean that the size of each holding was very considerable; you do not give any opinion as to the limit to which you would approve of the creation of these small proprietors?—Speaking generally, I have indicated rent-payers from about 10 l. to 15 l. a year; I do not like to go upon acreage.

2034. But your own experience has not gone below rents of 30 l. or 40 l. a year?—No.

2035. Have you seen other purchases of a lower amount than that?—I do not think I have; I cannot recollect at present, but I think the character and intelligence of the people holding farms at a rent of from 10 l. to 15 l. a year is pretty much on a par with that of those paying from 30 l. to 40 l.

2036. Your district suffered very much, did it not, in the famine time?—It suffered very much indeed.

2037. You recollect the famine yourself, do you not?—Perfectly well.

2038. What was the main cause of it?—The total destruction of the food of the country. In those days, in 1847, everybody depended in my part of the country upon potatoes to eat, and upon the pig to pay the rent.

2039. The land was held in very small patches, was it not?—The land was held in very small patches, and was sub-divided in every possible direction.

2040. That you consider a very great evil?—Yes, a very great evil.

2041. But now you are of opinion that there would not be the same tendency to sub-divide, in case there were the opportunity, as existed prior to the famine?—If I thought there were the same influences at work to cause sub-division, and the same feeling in the minds of people towards sub-division as existed prior to the year 1847, I certainly would not come before this Committee and recommend the scheme of advancing money on the part of the State to enable the Irish peasantry to purchase their holdings.

2042. May I ask since what period you have arrived at that conclusion?—I have arrived at that conclusion since the recovery of the country from the effects of the famine.

2043. May I ask you, do you remember a debate which you initiated in the House of Commons in March 1871, on the question of labourers' residences?—Yes, I do.

2044. That was shortly before you left for Cayman?—Yes, it was.

2045. May I read you one or two passages which seem to me to bear very much upon this matter? You are quoting Mr. Boyle and Mr. Hunter, who had reported to Parliament their opinions and their experience in that part of England which they inspect, and who say, "The worst cottages were small freeholds, inhabited generally by persons too poor to make the necessary repairs. The next in the scale of badness were those of small proprietors and speculators, who invested in them as a money speculation, and who charged a high rent and spent little in repairs; the best were those belonging to large proprietors, who charged a rent, without actually

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looking to the repayment of the outlay. That a cottage ought to be considered in the light of farm buildings, from which the landlord expects no return except in the shape of part of the rent of the farm." Then you are reported as saying, "His reasons applied to Ireland, but there were other reasons too. If the tenants on an estate were allowed to take the initiative in building cottages, you would have a wide-spread system of division and sub-letting, against which your legislation has been deservedly directed." Does not that seem rather to militate against what your opinion now given is?—No; I do not think so. I think what I was speaking of then was, as well as I can recollect, that the objection which I thought might arise from that would be that the tenants would very likely build cottages, and sub-divide their landlord's holdings, but that that would not be a case applicable to their own land; I think they might do it upon the landlord's.

2046. What is there to prevent him doing the same thing when he becomes a purchaser as when he is a tenant?—There is nothing to prevent it; of course, if the State advances money, no sub-division will be allowed during the period the loan remains unpaid.

2047. But still the tendency is or may be exactly the same; in 1871, I understood you to give it as your opinion that, if the tenant were allowed to do what he liked with the land, there would be a wide-spread system of division and sub-letting against which legislation had been directed; then you go on to say further: "Now one word as regards sub-letting; a certain amount of agricultural land should be attached to the dwelling, but a limit should be placed upon it, or the worst state of things would arise by the labourer ceasing to be a labourer and becoming a small farmer."—Yes; I quite adhere to that opinion.

2048. Will you explain that, because it seems to me to be exactly contrary to your opinion now?—I hardly think that. I think that is quite compatible with my present evidence. I quite think that there might be cases in which a man would speculate. For example, if he lived near a town, he might speculate in sub-letting to the labourers there, and you might have a very wide-spread system of sub-letting upon land belonging to landlords; but I doubt very much if a tenant purchaser would do it upon his own land.

2049. You evidently had in your own mind, had you not, a great fear of what was the natural tendency of the peasant when he got possession of the land?—I had a very great fear that such a thing might arise, and that you might have what I might almost call rabbit warrens of very small and impoverished labourers, if the tenants were allowed to put up small houses; so, for instance, if any tenant in the neighbourhood of towns were allowed to put up small houses.

2050. Or in the country either?—I scarcely think that would be so in the country.

2051. What is to stop him after he has paid the deposit and become the freeholder?—I think he would be unwilling to cut up his own land, though he might have no objection to cutting up his landlord's.

2052. I think you say that the tenant purchasers have no notion of subdividing; have you had any experience of Ireland lately; have you

Mr. Heggate—continued.

been long at home?—I was at home and about all through last summer, and up to recently.

2053. The famine period was in 1847 and 1848, and your observations were made in 1871?—Yes.

2054. Since that period you have lived chiefly in Ceylon?—I have been out of the country, but would you allow me to add that since I have been at home I have made a good deal of inquiry into this matter, because it has always been rather a hobby of mine, and therefore I was anxious to find out what the feeling of the people was in the matter, and paid particular attention to it during the short period I have been at home.

2055. But your actual experience does not go beyond these sales which you have made yourself, and those were to tenants of what we may call large holdings?—Yes.

2056. With regard to the danger of the State having to press for the payment of instalments, I think you suggested that in the case of a bad year or so, the tenant-purchaser should be given a short time to pay, and that they might get through in that way?—Yes; I think, perhaps it might be done.

2057. How long would you give them; would you give them one year or two years?—I would not give them more than one year, I think.

2058. But supposing there were political pressure put on, do not you think it would be exceedingly difficult to resist?—I cannot suppose that anything would arise like political pressure.

2059. You would not say you had never seen any such thing in your experience?—I have heard of it.

2060. Is it not the case that in nearly all Irish loans there is a pressure put upon Parliament to postpone or remit the payment sooner or later?—I think not; I have not heard of any loans to individuals from the Department of Works having to be remitted.

Major Nolan.

2061. Have not the large drainage loans made in Ireland been repaid punctually during the last 20 years?—Yes; all the drainage loans, and the loans to private people for the improvement of land, have been repaid punctually.

Mr. Heggate.

2062. It would be rather a difficult position for the Member, would it not, in a county where a good deal of money was owed to the State; he would be obliged to take it up pretty strongly?—I do not think he would have to fight a battle of that description. The honourable Member must draw a distinction between corporations and individuals. Corporations are supposed to be impersonal, whereas with regard to individuals the case is different. I have never known any money repudiated under the Land Improvement Act, or any delay in the payment of instalments; but I daresay that there might be such cases.

2063. You suggested that those purchasers should get out of the difficulty with regard to succession by making charges for the younger children and leaving the property in bulk to one of them; would not that be, in point of fact, commencing again a series of small encumbered estates?—It is the process which is taking place, and has taken place.

2064. That is open to the very objection to meet which the Landed Estates Court was originally



Mr. Hygate—continued

ginally created?—That is not a matter of which I have taken cognizance.

2065. It must either come to this, that the small proprietor must commit injustice to the younger children, by leaving the whole property to one son uncharged, or else that he must charge it for the benefit of his younger children, leaving his eldest son a small encumbered proprietor?—I must say that that is what takes place throughout the whole of the part of Ireland that I know, and I believe that through most of Ireland that is the present practice, and I think the practice will continue. At the present moment a sum of money is paid down from the savings of a tenant when he gives his daughter in marriage, but at the same time I think he leaves a charge very often on his farm for the other children, or perhaps they are provided for out of the stock of the farm, which is divided amongst them.

2066. You mean to say that that is the present practice in the case of tenancies?—Yes.

2067. But that would not be open to the same objection, would it, as in the case of a freehold when it became a question of the actual ownership of the land?—I do not quite understand the word "objectionable."

2068. I mean objectionable from a State point of view; it is supposed to be objectionable to have a large number of encumbered proprietors, and here it is possible that you will create a very large number of small encumbered proprietors. In the first place you lend the money, and then you propose that they should charge their estates for the benefit of their younger children, so that in that way you continue the process of encumbrance?—I say the process at present is that a man would leave the farm to one, and would probably put some charge upon it for the others. It would depend very much upon the amount of stock that there was upon the farm. I describe that as the process which would take place instead of subdivision.

2069. What would you do in the case of holdings in detached plots; it is often the case that a man has a piece of land removed from his holding upon which he may reside; you allow him to buy both of those plots?—Yes, as a general rule I would. I see no objection to that, but I think those are matters which will have to be dealt with very much according to the particular state of each case.

Chairman.

2070. You have looked at the proposal embodied in the Bright's Clauses as a conservative proposal?—I think it is a very strongly conservative proposal indeed.

2071. You think, on the whole, that it is wise to extend the action of these clauses as far as possible and to give as great facilities as possible, rather than to narrow it?—That is the reason why these Bright's Clauses have always had so very strong a hold upon me.

2072. You think that to whatever extent you can increase the ownership of small holdings in Ireland, it is likely to have a conservative effect?—Very much so.

2073. And also likely to do away with those cases of injustice which now occur through the sales of land in the Landed Estates Court to speculating jobbers?—No doubt that would be one of the benefits of the proposal.

2074. You have been asked as to the possi-

Chairman—continued

bility or expediency of drawing a limit, and excluding tenants below a certain acreage or value from the operation of these clauses. Do you think it would be possible to draw any such line?—I think it would be very difficult indeed to do so.

2075. Supposing an estate of a certain size were sold in the Landed Estates Court, and one-half of the tenant's holdings were above 10 acres in amount, and the other half below, would it be, in your opinion, possible to give facilities to the tenants holding above 10 acres to purchase their holdings, and to exclude the remainder?—I think it would be a very difficult thing indeed.

2076. Do not you think, therefore, on the whole, that it would be better to extend the same facilities to the whole of them?—Certainly, rather than imperil the sale of the estate to tenants who were willing to purchase. I think that things will find their level, and that some of the rich adjacent farmers would be very likely to buy up some of the small adjoining holdings.

2077. You think that if the thing should be eventually left to competition, the smaller holders would probably sell to the larger ones?—Yes, there is no doubt that some of these small tenants who hold farms below 10 l. or 12 l. rent, are possessed of a considerable sum of money.

2078. A good many of them are labouring men, are they not?—Yes, and some of them are labourers.

2079. Do you see any less value in labouring men becoming the owners of small tenements, than of tenants becoming so?—I do not see nearly so much value in that as in the case of small farmers.

2080. Do not you think that it would be an advantage, even with regard to an agricultural labourer, that he should have it in his power to become the owner of his plot?—I do not attach much importance to that.

2081. You think the main importance is in the case of the small farmer?—I think the main importance is in the case of the larger farmers.

Mr. Hygate.

2082. Do not you think it would be an invidious thing that the labourer should see the small tenant assisted by the State where he was not so assisted himself?—I do not think he would look at it in that way; it is very difficult to define the actual labourer; a man who holds land may labour for a certain period of the year, but the regular labourer is a man who holds a piece of land the size of this room for growing his potatoes, and works regularly for others.

2083. The tenant farmer is a man who occupies buildings and land belonging to somebody else?—Yes.

2084. And the labourer is also a man who has land and buildings belonging to somebody else; why should the one be assisted more than the other?—Because one is a person of some importance in the body politic, while the other is not; he is a wanderer; a person who goes from one place to another.

2085. As a matter of fact, they are not wanderers to any great extent, are they?—I have known labourers to go a good deal about.

2086. They are quite as much *adscripti glebae*, as the tenants generally of Ireland, are they not?—Some of them are, but some of them are constantly moving about.

2087. I understood

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2087. I understood you to admit that it would be very difficult to draw a line below which State assistance should not be given, and that sooner than see a sale imperilled you would not draw that line?—I do not consider it is equally important in the case of the very small holdings, but I would not imperil a sale on that account.

Mr. Fernald.

2088. Do not you think that the result of the

Mr. Fernald—continued.

large tenants buying up the smaller ones, would not satisfy the cry there is at present for land?—No, but we have only a certain amount of land that can come into the market; that cry cannot be satisfied in Ireland.

2089. It would very much check the remedy proposed if it were taken up in this way, would it not?—I do not know; I would hardly say that.

Mr. W. D. HENDERSON, called in; and Examined.

Mr.  
Henderson.

Chairman.

2090. You are a Merchant, of Belfast, I believe?—I am.

2091. And Vice President of the Tenant-right Association of the county Antrim?—I am.

2092. Have you taken very great interest in the question now before the Committee?—I have.

2093. I believe you are not prepared to deal with what we may call the legal and administrative difficulties of this question, but wish to present to the Committee some views upon the financial part of the question?—I do.

2094. What are the proposals which you wish to bring before the Committee?—I assume that the object of the investigation is, how to create a peasant proprietary in Ireland, and I think that a greater latitude, and greater elasticity in the business details, might be introduced with advantage.

2095. In the first place may I ask, do you think that any distinction should be drawn as to the class of tenants to whom facilities should be given to buy?—No, I think not, speaking broadly.

2096. It has been suggested to this Committee by Sir Frederick Haygate that a line should be drawn below which no facilities should be given, but that only those having holdings above a certain acreage should be favoured. What would you say on that point?—Judging by the analogy of the Ulster tenant-right the small holdings bring a higher price, and the people are just as comfortable, proportionately to their means, in the small holdings as in the larger holdings.

2097. You think it just as important to the interests of Ireland that the small farmers should be encouraged to buy?—Yes, quite so. You should have in a healthy state of society, every variety of size of holding. The class who purchase the small holdings in the neighbourhood in which I live during seven months out of the twelve, are in very many cases sea captains; it is near the sea coast, and the men themselves have gone out as sailors, and have come back having made some money, and are very anxious to get portions of land of a small size near the place where they were born, where they can farm, and also pursue their fishing. These men will go as high as 50 £ an acre for the tenant-right only.

2098. Whereabouts is that?—At Island Magee, in the county Antrim.

2099. How near is that to any large port?—It is 14 or 15 miles from Belfast.

2100. Even at that distance from Belfast are

Chairman—continued.

there a considerable number of seafaring men who are anxious to buy small holdings?—Yes.

2101. Are these agricultural holdings?—Yes; the younger son of the farmer goes to sea, and when he comes back, having made money, for they are a very prudent, saving class, he is anxious to get land near his own people, and he gives a high price for a small sized farm; that is to say, for a farm where he can get seaweed, being near the shore, and also in the summer fish and host a little.

2102. What sized holdings are they?—These small holdings would be from eight to ten acres, but there are, in the neighbourhood, many farms of 50 acres, and there are all intermediate sizes of farms.

2103. Is there much difficulty in such men becoming owners?—They can buy tenant-right pretty freely.

2104. But not the actual fee?—Not the actual fee. There is another class of people, namely, those who come back from the colonies, who are willing to give a very high price for the tenant-right of land in the vicinity of their former homes.

2105. Do you think that they would be anxious to purchase the fee?—Yes, especially those who have been in America or Australia.

2106. Will you state what proposal you are anxious to lay before the Committee, with regard to the financial part of the question?—I think that elasticity might be introduced into the rules, if some plan could be devised by which the landlords who were willing to give their tenants perpetuity leases upon fines, could do so. A case is in my mind in which a well-known gentleman made a proposal, over a part of his great property, to give the tenants in that part perpetuity leases with a reasonable fine, but the tenants were so well pleased with their landlord, and the landlord so well pleased with the tenantry, that the thing fell through; still in many cases, I think, advantage might be taken of such wishes or wants of the landlord, so that the tenants of the landlord could get anecdota from the State upon condition of giving the tenants a perpetuity lease.

2107. What is the exact nature of your proposal?—The tenant and the landlord would, I presume, both require to join in the transaction. If the Board of Works approved of the transaction, the tenant would have to pay such a reasonable fine, repayments of which would be spread over a series of years, as would meet the wants of the landlord, and would make the tenant at the conclusion of the transaction the owner of a perpetuity

Chairman—continued.

petuity in the land. Many landlords would prefer that to absolutely parting with the estate, especially when they were not selling it all.

2108. The effect of that proposal would be, that the tenant would not have to pay so much as he has now under the Landed Estates Court, but would have to pay much less?—Yes, and such a provision would be specially valuable to the smaller holdings, or in districts where the tenants are not accustomed to dealings in their land of the nature of tenant-right.

2109. He would have to pay a comparatively small fine, and would remain a perpetual tenant?—Yes.

Mr. Plunket.

2110. What do you mean by that?—In the case I have mentioned it is one of the finest properties in the kingdom, and the landlord wished to get a fine over part of it, for certain reasons of his own, without parting entirely with much of the property, without, in fact, parting absolutely with any of it.

2111. But the landlord was so popular that the tenants thought it better to remain as they were?—Yes; and I think they were so well pleased with him that it was not pressed on either side; there is perfect good feeling subsisting between them, as there generally is in the north.

Chairman.

2112. I suppose you concur in the evidence which has been given before this Committee to the effect that in many cases the tenants would be quite willing to remain in their present condition as tenants under good landlords?—Yes, they often would, and there are a great many reasons for that. The main reason probably is, that the tenants have been accustomed to the relationship. One of the reasons, however, is, that the sinking of so large a sum in the purchase of the fee is in many cases a difficulty; and another reason which makes them prefer the tenant-right is, that they can get a transfer of the tenant-right from one tenant to another by going into the landlord's office and getting the name taken out of the book and another name substituted.

2113. The facility of transfer makes them prefer that mode of dealing?—It simply consists in the tenants going into the agent's room and substituting one name for the other.

2114. Whereas if a tenant becomes the owner in fee, there is the heavy expense of the transfer, and a larger amount of purchase-money to provide for?—Yes, the tenant is frightened by the legal technicalities, and besides that, there are other disadvantages.

Mr. Plunket.

2115. And besides that he does not like to sink all his capital in the purchase of the farm?—Quite so.

Chairman.

2116. You consider that some part of the popularity of tenant-right is due to the greater facility of transfer?—Yes.

2117. All that is necessary, being for the incoming and out-going tenant to come into the landlord's room and arrange it with the agent?—Quite so.

2118. You have another proposal to make, I believe, with regard to the sinking fund?—Yes; at present the Board or the Treasury advance

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money at  $3\frac{1}{2}$  per cent. interest, and a sinking fund of  $1\frac{1}{2}$  per cent., which in 35 years extinguishes the entire debt. I would suggest that an option should be given to a tenant by which, instead of paying  $1\frac{1}{2}$  per cent. as a sinking fund to the Treasury, he should pay it to the Postmaster General for an insurance on his life, so that should he die early, leaving a wife and young children, who might be unable to manage the farm, they might not be so greatly hampered by the various conditions under which he obtained the loan; the debt would be too large for them to deal with, but under this arrangement they would be free at his death to deal with the land as they might wish.

2119. It appears to me that if a rate of  $1\frac{1}{2}$  per cent. is necessary, in order to extinguish the loan at 34 years, something more than  $1\frac{1}{2}$  per cent. would be necessary to extinguish it at the death of the purchaser?—I would suggest that the premium should always be at least  $1\frac{1}{2}$  per cent., that is to say, equal to the present amount of the sinking fund, and also, and as an additional safeguard, that in no case should the State authorise the transaction unless the tenant insured for half the amount of the loan. This half amount of the loan would keep the State perfectly safe for the repayment of the other half.

2120. I understand the charge now made under the Act is 5 l. per 100 l.,  $3\frac{1}{2}$  per cent. being the interest, and  $1\frac{1}{2}$  being the sinking fund for the repayment of capital by instalments?—Yes; and I am suggesting that the  $1\frac{1}{2}$  per cent. should be the minimum for the insurance premium, and also that in all cases an insurance to the amount of half the loan should be required. I made a calculation based upon the best rates charged by the leading Scotch life offices. At the age of 35 a man could insure his life in one of those companies, and I presume with the Postmaster General also, for a sum of 94 l. at 1 l. 10 s. premium, or 94 per cent. of the amount of the loan from the Treasury; at 30, if my memory is correct, the amount would be 80 per cent.; at 35 it would be 71 per cent.; at 40 it would be 60 per cent.; and at 45 it would be 50 per cent.; so that up to 45 years of age a tenant would have the option either of insuring with the Postmaster General for their various amounts, or of paying the sinking fund to the Treasury.

2121. But at the age of 45 he would for that 1 l. 10 s. only get 50 l., and not 100 l.?—Yes, quite so.

2122. Therefore only half the loan would be paid off on his death; and therefore if you wished him to be able to pay the whole debt, he would have to pay a premium of 3 l.?—Yes; but at any 45 years of age, when a man could insure for 50 per cent. of the loan by paying  $1\frac{1}{2}$  per cent., his expectation of life is about 23 years; and should he die then the Treasury would continue to receive from the widow the payment of  $1\frac{1}{2}$  per cent., which would pay up the balance in some 22 years further, so that the entire debt would be extinguished in some 45 years. Should he die early and leave the widow with a young family, then as half the debt had been paid up, and the State perfectly safe, some relaxation might be made as to terms of repayment. But in no case would I contemplate allowing the contribution to be paid by the widow to fall below  $1\frac{1}{2}$  per cent., unless in one case, viz., when the payment of this  $1\frac{1}{2}$  per cent. would materially reduce

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reduce the time of final extinguishment of the loan, and bring it within 35 years. Such a case would only arise when there had been an early death of the assured, and I think the State might make some relaxation, as presumably the widow would be a good deal straightened in her circumstances by the early death of her husband. In such a case I would allow her to pay at a rate never to be less than, say three-fourths of 1 per cent., or such other higher rate, not exceeding of course  $1\frac{1}{2}$  per cent., as would extinguish the debt in 35 years, or any lesser time from its original granting. By my proposal, instead of an absolutely hard and fast line of an annual payment of  $1\frac{1}{2}$  per cent. for 35 years, there would be an adaptation to circumstances, and what I may call a natural limit of time of payment, depending upon the death of the borrower, and not an arbitrary limit independent of circumstances. I only propose it as an option, and if the thing was found to work, the idea might be further utilised, I think, by the Treasury allowing insurance on the life of the borrower and his son, payable at the death of the last, under similar restrictions and safeguards. The idea would be somewhat analogous to those leases for lives with which the Irish people have been so long familiar. On the death of the two lives the land would thus become a perpetuity in the family. Practically, such an insurance payable at the death of the last should be for the full amount of the loan. The premium of  $1\frac{1}{2}$  per cent. would cover the risk of 100 L. in all, or nearly all, cases.

2123. Then the payment would go on not till the end of 35 years, but till the death of the purchaser?—Yes; but take another illustration; at 25 years, which is about the starting point, the expectation of life of a man is only 35 years, and his insurance would be for 94 per cent. of his loan, so that both transactions would be almost identical; there might, of course, be a few years difference in the time of final repayment, but the State would have this advantage, that whereas now it might have the land thrown on its hands at the death of the man where the wife and children could not farm it, by insurance with the Postmaster General that debt would be reduced to such a small point that the State would be absolutely safe.

2124. It seems to me that that involves the State undertaking the duty of life insurance?—The Postmaster General now issues policies, and as the farmers' lives are admittedly the best lives that you can get, there is no great reason why the State should not undertake to insure their lives. Another inducement which might be held out to farmers would be that if they had insured their lives with the Postmaster General, an assignment of their policies would be permitted should they afterwards purchase their lands.

2125. What security would there be that the policy would be kept up?—It would be precisely the same as at present. The  $1\frac{1}{2}$  per cent., which is now paid to the Treasury as a sinking fund, would be paid to the Postmaster General; it would be simply a question of arrangement between the two departments.

2126. Supposing a purchaser at the age of 45 paid the 1 L. 10 s. to an insurance office instead of to the State, then on his death the State would still be creditor for one-half of the amount of the loan?—Yes, which would, of course, remain a

Chairman—continued.

charge on the farm, to be paid by his successor in such reasonable time as the State might lay down.

2127. What is the limit of insurance now in the Post Office?—The limit of insurance, I think, is 100 L., but the Chancellor of the Exchequer, I believe, intimated that he would be willing to consider the question for extending the amount.

Mr. Pender.

2128. Is that under Act of Parliament?—It is. 2129. Therefore it would require an amendment of the Act of Parliament to extend that?—It would; but then I may mention that the State would have two additional means for extending it in this case; that is to say, if they extend it in any case, they might well extend it in the case of farmers, because in the first place farmers are the best class of lives that any insurance company can have submitted to them; and in the second place, those cases would come before them, not as they come before an insurance company, selected against the company, but as it were selected compulsorily. If an insurance company could get the average of all the lives in the community it would be a very good thing for them.

Chairman.

2130. And at the same time it would not be against the State, but would be a facility to the tenant to purchase, that while paying the same amount that he is now called upon to pay, the holding would be relieved either of the whole or a portion of the charge, as the case might be, upon the death of the farmer?—I would propose it, as an option, that the tenant should do so if he thought there was any danger of his representatives being unable to repay all the instalments, that is to say, if he were in middle life with a wife and a young family.

2131. You think it would facilitate the family arrangements upon the death of the holder?—I think so.

2132. I believe you have another proposal to make with regard to the purchase of portions of lots sold in the Landed Estates Court by other persons than the tenants?—I think that if in such cases the purchaser were willing to give perpetuity leases to the occupying tenants, the State should give more liberal terms than at present; where they allow only one-half of the purchase-money, I think they might safely extend it to three-fourths.

2133. The present clause only gives facilities to cases in which four-fifths in value of the tenants are ready to buy, and where there is one-fifth in value in which the tenant is not ready to buy, there the State is prepared to advance one-half of the purchase-money to the purchaser of the remaining lot?—I think the State, in the first place, might in cases where the purchaser was willing to give a perpetuity lease to the occupying tenant, increase the amount of the loan from half to three-fourths. I think that the rule might be relaxed in another respect, and that if two-thirds of the tenants were willing to buy their farms, the person who purchased the other third, whether a stranger or one of the other two-thirds, should get a larger advance on giving perpetuity leases.

2134. You would extend the provision to cases where the minority is one-third instead of one-fifth;

Chairman—continued.

8th; and you would make the advance by the State three-fourths instead of one-half?—Yes, I would.

2135. But would not the tenant who gets a perpetuity lease in that case be better off than the other tenants who are purchasers?—That would be a question for arrangement amongst themselves; the terms of the lease would have to be such as would be approved of by the Board of Works, who would act as a kind of arbitrator, to see that the whole arrangement was a safe one.

2136. Possibly at some advance upon the rent?—Yes.

2137. Therefore it will be a matter for the consideration of the tenants whether they were better off at some advance upon the rent, with a perpetuity lease, than as holders of the fee?—Quite so; but I would only propose that as an option. It would probably be found that the larger tenants in a lot would pay the fee, whilst many of the smaller tenants might not be able to do so, and would be greatly benefited by getting perpetuity leases at a fair rent.

2138. Your proposal is for the purpose of getting rid, to a greater extent, of the difficulties of lots being put up for sale where a certain proportion of the tenants are ready to buy, but where the others are not?—Precisely; then I think it is a very desirable thing that there should not be any provision in the Act to create a class of small landlords; that is to say, landlords who hold one or two lots of land, and who are always naturally anxious to get their son in, and the occupying tenant out.

2139. You would, I suppose, also think that there is some danger likely to arise from the sale of residue to small owners?—I do; I do not think it is a desirable thing.

2140. They may prove harsh landlords, and although those who have bought might be much better off, yet those who have been unable to buy, and have become tenants under these small owners, would be proportionately worsted?—Yes; especially in the cases I have mentioned, when the purchaser was desirous of getting his son in, and the occupying tenant out.

Mr. Plasket.

2141. I suppose you would not be in favour of sub-letting in the case of those tenant purchasers?—I would agree with what I understood Mr. Stuck to say, namely, that where a farm was not subdivided to an extent which was inconsistent with good husbandry, there should be no rule against sub-letting; but I think the limit he put, namely, 10 or 12 acres, was rather too small; perhaps a shade higher would be better.

2142. What would you say?—I would say 20 acres.

2143. Would there not be even in that case a danger of getting a harsh landlord in a very small proprietor who had been himself a tenant?—No; because I think the man would divide it himself amongst his children when he died.

2144. Would you restrict it to such cases?—I would object to any sub-letting below 20 acres until after the State had been paid off, say, one-half of its advance; after that I would leave it to the ordinary operation of natural laws.

2145. You would object to the ordinary subdivision of holdings which frequently takes place?—So long as the State had any real interest in it.

Mr. Plasket—continued.

the property I would object to an unlimited power of subdivision. On the subdivided portion new farm buildings, &c., would be required, and to erect them before half the advance had been paid off might cripple the man.

Chairman.

2146. I believe, in your opinion, one of the great difficulties in the way of tenants purchasing has been, that there have been a certain number of tenants, in each lot sold in the Landed Estates Court, who have been unable to buy?—Yes.

2147. And you propose a farther giving of facilities of this kind to increase the chance of a combination to purchase?—Yes.

2148. I think that you have another proposal to make to the Committee with regard to second mortgages. You have heard from the evidence of Mr. Stuck that, under the Act as it now stands, a second mortgage amounts to a forfeiture of the holding?—I can see no reason why second mortgages should not be permitted. The custom in Ulster of lending upon the tenant-right is perfectly well established, and there is scarcely a respectable farmer who has not at one time of his life either borrowed upon his tenant-right or lent at other periods to his neighbours.

2149. I suppose, under the Land Act, 1870, tenant-right has become an absolute security?—It has; but even prior to that it was perfectly recognised amongst farmers as a security.

2150. Prior to that no legal security could be attached to the tenant-right; whereas I suppose now tenant-right is almost a legal security?—Even formerly it was looked upon as a real and substantial, if not a strictly legal, security.

2151. And the tenants have been in the habit of borrowing upon the tenant-right?—They have.

2152. From whom would they generally borrow upon that security?—From each other almost entirely.

2153. Do bankers advance upon the tenant-right?—Not to any appreciable extent.

2154. Or neighbouring solicitors?—I do not think so. I have known a rich farmer come into a bank with his deposit receipt for a large amount and explain that he would rather that the bank lent the money than that he should; and the bank would lend the money to a neighbour of his, keeping the farmer's deposit receipt as a security rather than that the man himself should be supposed to have lent the money directly. They would join in a bill to the bank, so that the man who borrowed would be under the impression that it was the bank that was lending the money, and not his neighbour; but the general rule was that they lent and borrowed amongst each other.

2155. It has been a familiar practice with the tenants in the north of Ireland to borrow upon their tenant-right?—Very much so.

2156. The effect of the purchase of the fee will be that the tenant-right would be merged in the fee, would it not?—Yes.

2157. Then the alienation clause would come in and prevent, not only the second mortgage upon the fee, but also borrowing upon the tenant-right, which has been merged in it?—It would.

2158. Therefore under the operation of that clause the tenant would be a great deal worse off than he was before, in regard to his borrowing powers,

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power, because he would be no longer able to borrow upon the tenant-right?—That is so.

2159. And you think that would be a hardship?—I do.

2160. Do you think there would be no real danger to the Treasury or the State in permitting this security to be given upon a second mortgage of the farm thus bought?—I see none.

2161. I presume that it would become a recognised legal security to a banker or a solicitor?—It would.

2162. Would you see any danger in encouraging, in that way, borrowing by these tenants?—Not that I have ever heard of. I have never known any trouble or disputes of any kind arise from these borrowings and lendings.

2163. Then, with regard to the proportion of loan advanced by the Treasury, the proportion now is two-thirds of the value?—It is now two-thirds of the fee, but when the tenant buys, his improvements in the south of Ireland, and the tenant-right in the north, become merged in the fee, and I see no reason why the State should not take into consideration the value of the improvements in the south of Ireland, and of the tenant-right in the north, and increase the loan beyond the proportion of two-thirds to three-fourths or even four-fifths.

2164. Is there a great difference between the value of land in hand, and land subject to occupation; that is to say, land let to tenants?—I should say that there is a considerable difference.

2165. In one case the tenant-right is added to the value of the land?—Yes, it is.

2166. Do you think, therefore, that the State would in that way lend a sum calculated upon the actual value of the land in hand?—Yes, the value of tenant-right varies very much in different districts. I should think that the average of the value in the best part of Ulster would not be much short of 20 l. an acre.

Mr. Plunket.

2167. What is the average rent paid to the landlord in those cases where you say the average value of tenant-right would be 20 l. an acre?—I should say it would be about 25 s. an acre.

Chairman.

2168. Is the land fairly rented at that rate?—I think it is fairly rented, because the tenant has made all the improvements, and his improvements would cost fully 20 l. an acre. If you take into consideration the value of a good house, and farm buildings, and fences, and thorough drainage, and roads, and all the other fifty things which go to make agricultural improvements, the price of tenant-right is not excessive, nor does it in any way interfere with the landlord's right to a fair rent.

2169. Does the value of tenant-right increase in proportion as you go down in the scale of holdings?—It does do so in certain districts; for instance, as I mentioned, in the Island Magee, owing to people wishing to come back to their own neighbourhood, or a shopkeeper in a thriving town who would like to buy a farm in the neighbourhood to retire on, and leave his sons to carry on the business, or by the return of emigrants from Australia and Canada, and other causes.

2170. It has been suggested by Sir Frederick Heygate that there would be great danger of subdivision in the case of greater facilities being given by increasing small ownerships; what is your opinion upon that point?—I do not think there is any danger of it at all. If a man found that his farm was so small that he could not divide it amongst his sons, his sons would go into the large towns and work there, or would emigrate.

2171. Is the tendency now as regards holdings in the north of Ireland rather the other way?—I think not markedly in either the one way or the other.

2172. It keeps about at a balance?—About that; I think there is a tendency all over Ireland to believe that large farming was rather overdone some years ago, and there is, perhaps, a slight tendency to undo what was then done, but that does not prevail to any great extent.

2173. You think that, with regard to ownership, it may be left to competition?—Yes.

2174. And that it will find its true level?—Yes, the farmers are just as wise and prudent a class as the landlords or any other class of the community, or more so, and know as well what they are doing.

Monday, 18th March 1878.

MEMBERS PRESENT:

Sir Walter Barttelot.  
Mr. Bruen.  
Mr. Shaw Lefevre.  
Sir John Leslie.  
Sir Joseph McKenna.

Mr. Meldes.  
Major Nolan.  
Mr. Plunket.  
Colonel Taylor.  
Mr. Vernon.

GEORGE JOHN SHAW LEFEVRE, Esq., in the Chair.

Mr. W. D. HENDERSON, called in; and further Examined.

Chairman.

2175. You were asked a question on the last occasion as to the high rate of tenant-right in Ulster, and I think you were asked whether that high rate was mainly observable in the neighbourhood of large towns?—Yes; one of the questions seemed to point to the notion that the value of tenant-right was necessarily higher near a large town than in the country. I rather think that it is not so. Tenant-right near a large town, as a rule, sells somewhat lower; at all events it is not so high as it sometimes is in the more purely country districts. The reason for that, I think, is that the tenant near a large town have a feeling that they hold more upon commercial principles than in the country, and are therefore more liable to be dispossessed.

2176. In your opinion, the rates given for tenant-right are very much higher in purely agricultural districts?—I should say that the rates given for tenant-right are rather higher in purely agricultural districts.

2177. Is there, in your opinion, amongst those tenants who have given a high price for the purpose of purchasing tenant-right, a strong desire of purchasing the fee?—Saying that when a tenant-right is being sold, the landlords have the right of pre-emption, that is to say, the landlords have the right of acquiring the tenant-right; I believe that the tenants on their part have a growing feeling that they should have a similar right of pre-emption of the fee when a landlord is selling in preference to any outside purchaser.

2178. Is that according to the custom of the country?—That is according to the custom of the country. There are two partners in the transaction; one owns the land in fee, and the other owns the improvements in the land. If the partnership is to be dissolved, it is only fair that the one partner should have the right to buy out the other at a fair price.

2179. I suppose you are speaking of cases where the right of selling the tenant-right is recognised?—Yes.

2180. In those cases the custom of the country gives the landlord the right of pre-emption?—Yes.

2181. In those cases, I understand you to say that there is a feeling amongst the tenants that there should be a correlative right upon their part to purchase the fee value, that is to say, if the landlord is selling?—Yes, certainly.

2182. Do you think that in those parts of Ulster where tenant-right is recognised to the extent you speak of, and where the right of selling the tenant-right is fully recognised, there is still an anxiety on the part of the tenants to - 051.

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become owners?—Yes; I think that where they are best accustomed to deal with the land as if it were their own, there the feeling is growing most strongly to acquire the absolute right to it.

2183. Do you think that where a tenant has become the owner of his holding under these clauses, he has still the power practically of giving a second mortgage upon his holding, notwithstanding the Act?—I am disposed to think that he has practically that power; I mention it with a certain reserve, not being a lawyer myself, and not having had an opportunity of taking a legal opinion upon the point, but I think he could do it in this way: If he were in debt to a third party, that party could obtain a judgment against him personally in the courts in the usual way. That judgment by the Irish law may be registered against the land, and as that registration does not take place by the act of the tenant himself, I think the court would hold that that was a fair charge upon the land.

2184. You think that would not be an alienation within the terms of the clause?—I think not; the process of course would be roundabout, and therefore expensive.

2185. So that, practically, an owner could defeat the intention of the Act, and alienate his land, or practically mortgage it?—I think, practically, he could; the condition is that of an alienation of leases.

Mr. Plunket.

2186. Are you giving now your own individual opinion or the opinion of any legal persons?—I mentioned that I gave that opinion entirely as my own opinion as the point was raised.

2187. But still as a layman's opinion upon a point of law?—Yes, only as a layman's opinion upon a point of law.

Chairman.

2188. If your contention be right, then I presume, in your opinion, the clause against alienation is to a great extent inoperative, or might be made so?—Yes; the case is much the same as the sale of a lease by the Court of Bankruptcy, in which there are non-alienation clauses. The law, as I understand, has always held that a man's creditors can sell a lease.

2189. I presume if it were otherwise, a creditor could not avail himself of the property of a tenant purchaser?—Quite so.

2190. And that, I presume, would be unjust to the creditor?—Precisely so; the position of the creditor, if he cannot obtain a charge on the land, would be a very awkward one; as what he

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has paid to the State could not be touched, and he must go on paying. The question occurred to me in connection with the success of the sale of tenant-right in Ulster; the landlord always recognised the right of a man's creditors to be paid, after the rent and all arrears had been liquidated.

2191. Now passing to your proposal as to the substitution of the insurance for repayment by instalments to the State, you suggested that after 50 per cent. of the Government loan had been paid off, the tenants might be left to deal with the land as they thought fit, either by way of alienation, or in any other way?—Yes, I think that after 50 per cent. has been paid off, the purchaser should be practically left to deal with the land very much as he wished, and it was for that reason that I suggested that the insurance, possibly by the Postmaster General, should never be less than 50 per cent. of the total amount of the loan.

Mr. Plunket.

2192. I suppose there is no doubt that a good deal of the money which is invested in tenant-right has been originally accumulated in the towns of Ulster?—Not a great deal of it. I should say.

2193. Is it not the fact, that from time to time, persons who have made their fortunes in the towns, entertain a strong desire to purchase small properties in the country, or have an interest in them?—Yes, and I think that that tendency has helped to raise the price of tenant right, but I do not think it has operated very much in inducing those improvements of the land, which are the basis of the Ulster tenant-right.

2194. But still there is no doubt that the very high price which is obtainable in Ulster for that kind of interest in the land, which is called tenant-right, is, to some extent, to be traced to the amount of wealth which has overflowed from the towns?—A portion of it is, no doubt.

2195. So far as there is analogy between the purchase of the tenant-right and the purchase of the fee of a holding by an occupying tenant, the same would be true to some extent?—It would, no doubt; the large merchant or manufacturer tries to buy the fee, while the small dealer tries to buy the tenant-right, and in both cases they are very apt to give too much for what they want.

2196. Do you think it would be possible in a purely agricultural part of the country, where the effect of those purchasers from the towns would not be felt upon the market, to get such high prices as are given for the kind of interest in the land called tenant-right?—I think that in the south and west of Ireland the tenant-right, if it were established, would sell high, and for this reason, that there is a large immigration from Australia, Canada, and America back to this country, and those immigrants are exceedingly anxious, both in the north and in the south, to acquire land near their former homes.

2197. But then, whether it comes from America or Australia, or from the towns, or from the ships' captains, of whom you spoke, or wherever it comes from, the large prices which are offered are, at the outset, not the result of agricultural savings in Ireland but of earnings elsewhere, is not that so?—The price of a tenant-right was not quite so high, but it was still high before these causes came into operation. These are the causes arising within the last 10 or 15 years.

Mr. Plunket—continued.

2198. But in your evidence on the last occasion, you spoke of ships' captains having come home and settled in your own neighbourhood, and you also stated what you have mentioned to-day, namely, the return of emigrants; but still in all those cases the money which is invested either in the purchase of tenant-right at present, or which might be supposed to be invested hereafter in the purchase of the fee by an occupying tenant, or one in the position of an occupying tenant, is money which comes from elsewhere, and is thrown into an agricultural part, either from a town or from a place of commerce, or from the colonies where the small fortunes have been accumulated; is not that so?—That is scarcely my meaning. I was in one of the Irish banks for a number of years, and the farmers in those times had very large deposits with us, and have still larger deposits now; they did not know what to do with their money except to put it on deposit in the banks, or in one or two favourite securities, and they generally looked to the bank as the only means they had of employing their capital, so that the tenant-right was based upon those savings of the farmers substantially, but of late years there has been a tendency to an extreme price arising from the causes which I have mentioned.

2199. But now, so far as this tenant-right has grown, from the fact that certain classes of farmers in Ireland do not know what to do with their money except to invest it in a bank, it can hardly be said that it was to meet the requirements of this class that the Bright's Clauses recommended a Treasury advance, because they would naturally invest, in the first place, their own savings?—I take it that the clauses were intended to assist those men who had money sufficient to purchase the fee of their own land, to get co-partners from the poorer classes of the tenantry who would join with them in purchasing out the landlords.

2200. Would you not think that it would be unnecessary to increase the limit from an advance of two-thirds of the purchase-money to three-fourths; there would seem to be no greater necessity for any increased facility for a loan if the tenants are so well off already?—There is always a class of rich tenantry, and also a class of poor tenantry, and it is for the poor but industrious tenantry that the clauses are intended, and not for the rich.

2201. In one of your answers on the last occasion you fairly stated that you would not like to see the average limit of farms reduced by sub-letting, such, for instance, as farms of 10 or 12 acres, and that you would rather prefer the limit to be about 20 acres; will you state to the Committee upon what ground you have formed that opinion, that is to say, why you prefer a farm of 20 acres to a farm of 12 acres?—Formerly in the north of Ireland a small farmer added to his farming some manufacturing pursuit; his daughters probably were able to weave, and a great deal of money was made in that way, but that practice has considerably died out, and, I think, owing to the operation of natural causes; and where a small farm kept a man tolerably comfortable before, it will not do so in the same degree now. In the county Armagh the farms are very small, and it was chiefly owing to the carrying on of the linen trade that they were comfortable.

2202. I ask why would you prefer to see an average



Mr. Plunket—continued.

average of 20-acre farms rather than an average of 12-acre farms?—I think that a 12-acre farm alone will by itself and without some other occupation scarcely support a man, except in exceptionally good districts where the land is extremely valuable.

2203. The opinion you express there has reference more particularly, I presume, to the north of Ireland which you know best?—I do not wish to speak much of the south, because I do not know the details of agriculture in the south in the same way.

2204. But to some extent the favourable conditions under which the northern tenantry exercise their calling as agriculturists, have been the result of the business of weaving, which was carried on in early times in the farmhouses, whereas, latterly the place of that higher income has been taken by money which flows in from the towns, and from commerce and from returning emigrants; is not that so?—I would rather say that the manufacturing industry of the north of Ireland has owed its existence and its prosperity to tenant-right, and for several reasons. One reason is that owing to the existence of tenant-right the farmers are left entirely to do what they liked with their own land, and during the last century they were allowed to grow flax, whereas where there was a strict looking after the tenantry, as there is in England and Scotland, the growth of flax was entirely crushed out; it was supposed to be a most unprofitable crop to the ground, but in Ireland the people not being interfered with by their landlords did grow flax, and then having grown flax, the smaller farmers went into the other processes of hand spinning and hand weaving, which have been gradually superseded by spinning in factories and weaving by power looms.

2205. Without going into an argument upon that point, I would ask you, is it not your view that formerly the prosperous condition of the Ulster tenant farmer was to a great extent due to the fact, which you stated a few minutes ago, that they did carry on this handloom business at the same time as they were making what money they could by their tanning; that is to say, that some of the farmer's family were earning good wages apart from the actual labour on the farm?—It was reciprocal in the case of the small farmers; the tenant-right assisted industry, and industry assisted the farmers, but the tenant-right was the basis of the whole.

2206. Though that has dwindled down to some extent; on the other hand there has been a still greater stimulation of the property, has there not, by the money which has come from towns, and returning emigrants?—I would not put it in that way; I would say that owing to the very great industry of the farmers, and to the capital which they have employed in their operations, they have been becoming very prosperous of late years, and I think especially since the Act of 1870 came into operation. That has given a sense of security which never existed before.

2207. But when you are speaking of the handlooms having been to some extent given up, from what time do you date the failure of that business?—Within the last 25 years.

2208. Therefore, it was before that time, as I understand, that the prosperity of the farmers enabled them to lay the foundation of tenant-right?—I think that tenant-right dated from the very commencement of the plantation of Ulster, .651.

Mr. Plunket—continued.

because the tenant farmers had to make all the improvements upon the ground.

2209. But without going into the historical question, upon which, as you are aware, there are considerable differences of opinion, and very different conditions as to different parts of Ulster, and no doubt the history of the question varies very much; what I want to get at is this: what is the exceptional source of wealth at the present time in Ulster, which enables the tenants possessed of property to give a very large price for tenant-right which would enable them, according to your views, as I understand, also to give a considerable sum towards buying the fee of their property?—I think I put it in this way: in Ulster, farmers have had for many years, for a century and a-half or more, the opportunity of purchasing the tenant-right, and the opportunity of purchasing the tenant-right has been a great incitement to saving; they have accumulated money in banks in the hope of buying a larger farm for themselves, or a farm for their son, or a favourite daughter, and so on. Therefore, the existence of tenant-right has been the main occasion of the saving by the tenant farmers of Ulster.

2210. But, as I understand you, these things have mutually acted upon one another; that is to say, the sense of security which the farmers had in their holdings was going on at the same time as the industry of the other members of the family, in carrying on the manufacture of flax; was not that so?—Yes, that was so in the smaller farms; but, as I have already said, tenant-right is highest in purely agricultural districts.

2211. Of course, so far as it was founded upon the sense of security, that was long before the Land Act?—Yes, much before that; but since the Land Act the security has been greater and the price of tenant-right higher.

2212. I understood you to state that these tenants are under the impression that they should have the right of pre-emption when the property was being sold?—I say that they have a growing feeling that the right should be reciprocal, and that where they are willing to give as fair a price as anyone else; every safeguard being taken that the landlord gets the full price, they should have the first offer.

2213. Would you carry that to the extent of saying that if a landlord, in case the property is being sold in the Landed Estates Court, is not satisfied that by breaking up his property into lots to suit tenants he would suffer no loss, he should nevertheless be compelled to break his property up in that way?—I would go the length of saying that if in any way a landlord would suffer a loss, he should not be forced to suffer any loss.

2214. Then of course you would not put any kind of restriction upon the landlord if he foolishly or wisely objected to such an offer as might be made by the tenantry upon his estate, or any part of it, to purchase their holdings when the property came to sale; that is to say, if after hearing all that can be said by tenants desirous to purchase, he comes to the conclusion that it is better that the estate should go to the hammer, you would not in any degree fetter his discretion, as I understand you?—I do not think that an unreasonable landlord should be allowed, in order almost to spite his tenantry, to refuse to sell to them; that is a matter for arrangement.

Mr.  
Heslerson  
18 March  
1876.

Mr.  
Henderson.  
13 March  
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Mr. Plunket—continued.

Take the converse case. At present the landlord, if he interfered too openly in the sale of tenant-right, might reduce its value in the market, and I think that as the tenantry recognise that under proper safeguards, the landlord has the right of pre-emption, in the same way under proper safeguards the tenant should have their right of pre-emption.

2215. What are the safeguards you refer to which the tenants think they ought to have in allowing the right of pre-emption to the landlords?—The sale generally takes place by auction; the highest price given or offered by a fair solvent tenant in the neighbourhood is taken as the basis, and the landlord would have the right to acquire the land at that price, instead of its being allowed to be transferred to a tenant; his motive for doing that would generally be this, that he might like to divide a farm between two or three neighbouring tenants, so as to let the fields which lay over to one man, and were suitable to his holding, go to him, and the fields which lay over to another man, and were suitable to him, would go to him; another case is, he might wish to acquire a farm for himself or his agent or his bailiff. Sir Richard Wallace, the other day, bought a farm for himself to build a house on. The landlord has a reserved right, if the market price has been fixed, to acquire it himself.

2216. But is not the natural way of fixing the market price in the ordinary case of the sale of an estate to ascertain what it would fetch in the market at auction?—Yes, just as in the case of tenant-right.

2217. Then supposing an estate in the county of Dublin comes for sale in the Landed Estates Court, would you be prepared to put any restriction upon the right of the landlord to set up his estate for sale in the ordinary way if he thought fit to do so?—No, I would not; only there might be some details necessary to inform the tenantry of the circumstances, and to give them a machinery for acquiring new land; the broad principle is to get the fair selling price; and no person can afford to give so good a price as the tenants.

2218. You would agree that a man has a right to get the best price he can for his property, and has a right to ascertain that price by auction?—Clearly, by *bona fide* sale at open auction, the tenants having always the right of pre-emption if they will give as much as anyone else.

2219. Now, I wish to ask you a few questions in reference to the system of insurance which you proposed on the last occasion?—I proposed that simply as an alternative, where a tenant had a wife and young family, and wished to make them quite secure.

2220. Did you propose that the tenant should pay 34 per cent. to the Treasury, and 14 per cent. to the Postmaster General; was that the way you worked it out?—That was the way I put it; it would have this advantage also, that I think it would encourage the farmers beforehand to take out these policies of insurance; one of the great difficulties in the way of creating a tenant proprietary is, that small proprietors will not make that provision beforehand; they will charge their property with all sorts of family provisions, and then the man who comes in to it frequently finds that he can do best by selling the land to the nearest proprietor, whereas I think if you established this system you would find they could in their own lifetime make provisions for their families.

Mr. Plunket—continued.

2221. In preferring the limit of a 20-acre farm to a 12-acre farm, upon what grounds of public policy do you prefer the 20-acre farm to the 12?—I suggested that limit in order to keep the State perfectly safe as long as half of the loan was outstanding to the tenant, but afterwards you may safely trust to the keen sense of personal independence which the rights of property give a man to prevent him from unduly sub-dividing. Undoubtedly the undue sub-division of land in Ireland was due to the fact, that the man having no rights of property formerly, became simply a nation of paupers before 1847; make them a nation of freemen, and they will have that sense of independence which will prevent excessive sub-division.

2222. Apart from that question, do you still adhere to the average limit of 20 acres as being a more politic one than a limit of 12 acres?—After the State is half paid off, I think you may safely leave it to the independence of the man to preserve the proper limit.

2223. What sort of limit do you think that independence would lead them to preserve?—It would depend upon the part of the country; in very rich land, like that near the seaside which I spoke of, the farms might be very small, and still the people might be very comfortable.

2224. But the tenants all over Ireland would not have the advantages which they have in your neighbourhood?—No, unless there were some great discoveries made by which they could farm to much greater advantage than at present, or some system of domestic manufacture introduced again among the people.

2225. What sort of limit would you think should be preserved while the loan to the State endured, or while there was any part of the money due?—About 20 acres, I think, so long as half the loan was unpaid.

Chairman.

2226. I understood you to propose that limit of 20 acres as the limit below which tenants who had bought their holdings should not be allowed to sub-divide; you did not propose it as a limit below which the State should not advance money, to enable tenants to become owners?—No, I did not. I think there might be cases, as I have mentioned, in which the State might get two tenants, a rich man and a very poor man, to join, the poor tenant becoming a perpetuity leaseholder under the rich one.

2227. But you would not except the occupants of small holdings from any facilities given by the State to purchase their holdings?—No, not unless there were good reasons to believe the State would run a risk, which I do not contemplate there is.

Mr. Plunket.

2228. Then, as I understand you, as long as the loan was outstanding, you would not wish to see the property sub-divided below 20 acres?—No.

2229. And that is because, otherwise, you do not think the security would be so good?—Quite so; but where the State had made an investigation into a man's circumstances, and found he had suitable buildings on his small holding, I do not see why they should not enable him to purchase it.

2230. You would look to the State holding good security in all cases?—I think the State should have the reasonable proof, in all cases, that the transactions were *bona fide*, otherwise it might

Mr. Flaxker—continued.

might happen, for example, that the purchase money might be very excessive, and the tenant might not be able to pay it.

2231. The result of your evidence on that point would be that more care would be required in investigating the circumstances of loans to be made to very small tenants than to very large ones?—That was not exactly so; for there is this to be said, that if the tenant in a large holding has not saved the money to enable him to buy a portion of his land, there might be a doubt in your mind as to whether he is a much better man than a smaller tenant who has saved the money.

2232. As I understand, the general result of your evidence upon that point is this, that where the State has to lend money it is necessary that it should make more careful inquiry into the circumstances of tenants who have but small holdings, than where it is dealing with tenants who have holdings, we will say, of about 20 acres; is that so?—I should say that you should satisfy yourself that the holding is an agricultural one, and has suitable buildings, because you are coming near the point at which the land does not do more than provide a man with a bare subsistence.

Chairman.

2233. And therefore it is all the more necessary to look at the price which is given for the holding?—Quite so. You must always look at the price, and all the various circumstances. Not so many small holders, probably, will buy their land as in the case of larger farmers, but those that do will be quite as good, and perhaps even more industrious and saving.

2234. Take the case of a small occupier below 15 acres; supposing he could provide one-fourth of the money, what would you say then?—I should say he was perfectly safe; the farmers in the north of Ireland, as a matter of fact, trust each other very much upon the security of their tenant-right; if a man has a good character (that is the main element in the question) his neighbours will lend him money very freely indeed to buy the tenant-right.

2235. Do you think that as regards tenants below 15 acres it would be necessary to reduce the proportion which the State should lend?—No, I do not.

2236. Would you increase the proportion from the two-thirds which is now advanced, to three-fourths?—I would, without the slightest hesitation.

2237. You think there would be no risk to the State in doing so?—No, because upon these small holdings there are always farm houses, and buildings and improvements which make them proportionately more valuable than larger farms.

2238. The tenant-right is proportionately more valuable, is it not, upon a small farm than upon a large farm?—Yes.

2239. Because the improvements upon the land bear a larger proportion to the value of the land?—Quite so.

2240. Therefore in the case of small farms below 15 acres the security of the State would be larger in proportion?—Quite so.

Mr. Flaxker.

2241. That being the case, what do you mean by saying that you would require a greater proportional care in the case of small tenants?—Because you are coming nearer to the point at which a farm will only afford a bare means of  
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Mr. Flaxker—continued.

subsistence. Supposing a series of bad years should occur these improvements might become valueless.

2242. Supposing it to be true that favourable circumstances would render these small farms more valuable, and at the same time that the tenant would be nearer bankruptcy in the case of small holdings if bad years so occurred, how do you reconcile these two things?—As a simple matter of fact they both exist. In 1847, which is an extreme case, because, as I have said, the people by being deprived of all motive for exertion, had become a nation of paupers; we had an illustration of that; the improvements ceased to be valuable because nobody wanted them, and the tenant-right on these farms of course became almost valueless; the buildings had to be pulled down when the holdings were merged into larger properties, and the whole agricultural character of the country was changed.

2243. As a matter of fact, I cannot make out which way your evidence goes on this point. Is it true or not that the small tenants would be more likely to be unable to pay their obligations to the State than the large ones?—Not in average years, but you might have a series of disastrous years, sometimes good and sometimes bad; but you might have a series of disastrous years. It would depend upon the nature of the distress, whether the large or the small farmers would be the more required.

2244. Supposing there were three successive bad years, or even two, would you see then a danger that small tenants would not be able to complete their obligations to the State?—I would certainly say not in two years.

2245. Supposing there were three bad years, do you believe there would be that danger then?—I would think not; I think even then they would make a wonderful struggle to get through; their neighbours would assist them, knowing that they had means.

2246. You now say that three bad years would not produce that danger to the State?—I was looking at the famine which occurred in 1847; although the circumstances of the year can never recur, it is impossible, however, to predict what may happen in the future, but taking any average period of time, from what I know of the kindly feeling subsisting amongst the farmers themselves, the one would undoubtedly always assist the other.

2247. Have you now given up altogether the theory you expressed a few minutes ago, that a few bad seasons would be likely to bring these small people into such a condition that they could not pay their instalments?—I think these small tenants who had purchased, and who seem presumably men of some means and character and saving habits, would be able to borrow from their neighbours, in the hope of good years coming round again.

2248. Then you think there would be no danger to the State connected with these small holdings?—I think the State ought to exercise in both cases reasonable precaution.

2249. But why should they exercise those precautions if there is no danger?—Although a very exceptional state of things did occur 30 years ago, nothing even like it can ever occur again; but there is always a liability even in a century to a series of bad years.

2250. But the other tenants could have pulled them through in that case, could they not?—They could not have done that 30 years ago, although  
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16 March  
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Mr.  
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Mr. Phusket—continued.

although they could do so now. There is a risk, although a very small one, and I think it is worth while for the State to run that risk. You cannot lend to anyone without some risk, and each class of loan has its own class of risk.

Chairman.

2251. I suppose if a disaster similar to that of 1847 occurred again, it would be possible for the State to postpone the repayment for two or three years?—The State could postpone them, but the condition of the country has changed enormously. I suppose the number of holdings in Ireland is not more than half what it was then. Education has progressed, the standard of comfort has risen, and the people have not the horror of emigration which they previously had. The best of the small farmers would now be able to hold their own, I believe, under almost any conceivable circumstances, and it is only the best who would pay the fee; the others would largely become perpetuity leaseholders, I would expect, if facilities were granted.

Sir John Leslie.

2252. Did I understand you to state that you would advise the State to advance a portion of the purchase-money, no matter how small the holding?—Yes, supposing it were a *dead sile* agricultural holding.

2253. In fact, without putting any limit to the size?—You shade off from the *dead sile* agricultural holding into the market garden, and then into the villa near a town; I certainly would say that the State should not advance money to the villa holder, or I suppose to the market gardener or people of that kind.

2254. Then you would establish a limit or an exception?—It is very difficult to lay down off-hand a limit, because the various descriptions of holdings shade into each other.

2255. Then you think, in fact, that it had better be left open?—It is like day and night. I know one from the other, but I cannot tell the precise moment when the one changes into the other; a limit, more or less arbitrary, must be drawn in all such cases, and a certain discretion left with the Board, which administers the Act.

2256. My object in asking the question is this: at first I was under the impression that you had made the point of limit at 20 acres, but I saw that was subject to subdivision afterwards; there is some analogy between the two things; and if it is dangerous to subdivide below 20 acres, it would, at all events, be suspicious not to limit the size of the holdings, would it not?—There is this great difference, that if you subdivide below 20 acres, the man in whose favour you subdivide has to build a house upon his holding, and that might cripple his means very considerably for that land; whereas, if you retain the existing holding, the house is there, and there is not that sinking of capital, and, perhaps, that drain upon the man's resources. I think that is the great difference between the two cases.

2257. With regard to the first scheme which you suggested, it was founded, as I think you said, upon the proposal of a proprietor whose name you did not wish to mention, that perpetuity leases should be granted on payment of a reasonable fine?—Quite so.

2258. Did you mean that your scheme was to be identical with the proposal of that proprietor?—I think the State might lend the money to the tenantry to make an advance to

Sir John Leslie—continued.

the proprietor, taking the joint security of both till the debt was paid off, and then the tenant would be a perpetuity holder at a moderate rate.

2259. Are you able to state exactly what the proposal of that proprietor was?—I do not think the proposal was ever quite formulated, but it was to apply to the agricultural portion chiefly of his property, and to embrace the idea of a *fac* of, I think, something like 5*l.* as *area*, generally speaking, but it might have varied in different districts. The landlord wished to retain in his own hands a large manufacturing town and the land about it. I should mention that it had formerly been the custom on that property to give long leases.

2260. So that your proposal would not be actually based on positive evidence, but you give it more as an illustration?—Yes; more as an illustration than as based upon practical working.

Mr. Ferner.

2261. Can you state upon whose property near Island Magee the price of 50*l.* was given for the tenant-right of a small holding?—I am hardly able to say who the land belongs to. Lord Donagall has the reversion. It is an Irish island, being only a peninsula.

2262. Do not you think that the temptation offered by this very excessive price causes in conflict with the desire to root the tenant in the soil?—No; the motive for a man to save and to work hard is that he can buy tenant-right and become independent, and if he is a saving man on a small farm, he can always sell it and buy a larger firm.

Mr. Bruce.

2263. Independent of what or whom?—He has the protection of his Ulster tenant-right.

2264. Against whom?—He becomes the owner of the tenant-right, which is a kind of imperfect or impaired copyhold, but at all events it is a real property.

Mr. Ferner.

2265. I understand that you belonged to a society whose main object was to root the tenant in the soil; and I would ask if you do not think this excessive price of tenant-right a temptation which comes rather in conflict with that object?—No; we will be very glad to see both the fee-simple selling higher than it does, and the tenant-right selling higher than it does, and the labourer better paid and better off; it would be a proof of the prosperity for the country. We have not the smallest objection to all parties being benefited.

2266. The landlord getting a better price if he wants to sell, is part of the object of your society?—Yes, precisely; we have not the smallest wish to abridge one penny of the rights of the landlord. The members of our association are men of means and substance, and are vitally interested in the rights of property, as much so as any landlord in the county.

2267. Do I rightly understand the effect of your evidence to be, that where part of the estate is not sold, the residue should be settled on perpetuity leases?—I think that the party who purchases the residue should have encouragement from the State to give perpetuity leases; the plan which I suggested was, that he should get a larger loan from the State than a man who refused to give perpetuity leases.

2268. When you so sweepingly state, as I understood you to do, that the tenant makes all the

Mr. Vernon—continued.

the improvements, are you unaware that there are many properties on which the improvements were not all made by the tenant?—There are not many, I should think.

2269. You are not aware of such being the case?—No, I am not.

2270. Then you said that from a want of information?—Yes, I speak from my own knowledge, and I have a very general information on the subject. I know a great deal of the north of Ireland, having lived in several country towns in it in connection with one of our banks; I may say that I know the north of Ireland very well, especially the County Antrim and County Down, and County Tyrone and County Londonderry.

2271. You would not deny that on some properties there is that assistance given?—It is so on some properties.

2272. And there might be many, for aught you know, on which it is the case?—There might be in Monaghan and Cavan, and Fermanagh, but as to the six great Ulster counties, I can say with confidence that there are not many such cases, and that the rule is very much the other way.

2273. Now, going to another point; when you speak of "a *bona fide* sale at auction," do you mean to preclude the landlord from selling his property in one lot, that is to say, that it would not be a *bona fide* sale at auction unless he offered the property to the tenants?—I am very unwilling to fetter in any way a landlord's right to get the full price for his land, nor do I think there is any wish on the part of the tenants to pay a penny less than is right, but I think it would be a very reasonable thing for a landlord to put up his property in suitable lots, and give the tenants the chance of buying; they can give a better price than any other person. Whether or not, if a landlord chose to attempt to defeat the operation of the Bright's Clause, it might be right for the State to take some steps, I do not wish to consider, because I do not think they will, but in all cases I think the tenantry should have the right of pre-emption.

Mr. Plunket.

2274. Have you any reason to suppose that such a case has arisen?—Certainly not; (there is the best feeling subsisting between landlord and tenant, as far as I know.

Mr. Brown.

2275. You are well acquainted with Ulster, I believe?—I am.

2276. Are you acquainted with the other three provinces of Ireland?—Not in the same way. Of course I know a good deal about the south of Ireland, but I have not that personal knowledge which I have of the north.

2277. Is your evidence directed to the south of Ireland as well as to the north?—I think the circumstances are tolerably analogous, but I would prefer to confine my special evidence to the north of Ireland.

2278. Do I understand you to say that, in your opinion, the circumstances of the north, the west, and the south of Ireland are analogous?—I think there is a very considerable analogy between them.

2279. The scheme which you proposed to the Committee on its last sitting was, I think, that the 1½ per cent. sinking fund, which is now devoted to paying off the principal of the loan to the State, should be applied towards the insurance of the life of the person who obtained the loan?

Q.51.

Mr. Brown—continued.

—Yes, an insurance effected through the Postmaster General.

2280. Up to what age would that 1½ per cent. insure the whole of the loan?—It would insure a proportion varying from 94 per cent. to 50 per cent. between the ages of 25 and 45.

2281. In no case would it insure the whole of the loan?—In no case would it insure the whole of the loan.

2282. How do you propose to secure the balance which is not insured?—The successors, after the death of the person whose life was insured, would undoubtedly be required to continue to pay up until the amount was finally liquidated, but I conceive that after 50 per cent. of the loan had been paid off the parties might be left pretty free to deal with their land, the State having got such a payment down as to render it perfectly secure for the future. I cannot conceive any reason why those restrictions upon dealing with land should be retained after the half had been paid off, although possibly some slight restrictions might be needed which I have not fully thought out.

2283. At the death of the person whose life is insured, how do you say you propose to secure the balance?—Precisely as at present; the parties must continue to pay the same instalments upon what would then be the balance due to the State as they would now; that could be arranged by some fair scheme which might be laid down. I could prepare tables myself for the purpose if the Committee thought it necessary.

2284. That is to say, the rent-charge which is now payable for interest and sinking fund would, during the life of the party, be divided into interest and life insurance, and after the death of the party it would be continued as interest and sinking fund; would that be the way?—Yes; but I think if it were found that half the amount had been paid up very early, owing to the death of the party (supposing, for example, in five years, half the amount of the loan was liquidated), the Treasury might prepare a table by which the future payments would be reduced; by that means the widow and the orphan, who would presumably have been left in less favourable circumstances than they had been in during the life of the husband, would have a smaller burden upon them than there had been in the earlier part of the time.

2285. But that is only in the event of the life being insured?—Precisely.

2286. I think you stated that the life of an average Irish peasant was a good life?—Yes, all farmers' lives are good lives.

2287. So that the possible means which you anticipate of an early payment would not be so likely to arise?—Although the average is what we may call a very good average for an insurance company, still of course deaths do arise pretty much in that as in other classes of the community.

2288. But still it would be only an average, because the number of insurances would be very considerable?—Yes; but then the average of the farmer's life is only about two years above that of the average of the community.

2289. Is not the general effect of your recommendation to defer the complete repayment of the loan?—It need not necessarily be so; suppose the first half of the loan is paid off by the death of the purchaser in the first five years, the remaining half, spread over the remaining 30 years, would be very much less burdensome.

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2290. But

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Mr. Bruce—continued.

2290. But your hypothesis is founded upon the assumption of the death of the party insured at an early period; and you have already told the Committee that the average life of this class whom you propose to insure is two years above the ordinary average; therefore that contingency which you suggest is not likely to occur, is it?—The difference is only two years over the average, and the Postmaster General, dealing with hundreds of thousands of pounds, would no doubt be very glad to get two years upon his general average, but the effect in postponing the final payment would be very small.

Chairman.

2291. I certainly understood the effect of your scheme was to postpone the repayment of the whole?—It need never defer it more than a few years, and it need not do so at all; suppose a farmer insures at 30 for 80 per cent. of the Government loan and dies at 35.

2292. Of course it might be the result of your scheme that the whole loan would be paid off in many cases much earlier; but, taking the whole run of the scheme, it might defer the repayment of the total, might it not?—I think the State, in consideration of getting the additional security of receiving from 54 to 60 per cent. of the loan back at once, when the man to whom they had made the loan died, might extend the time for final payment, say five, or even ten years.

2293. Your view is that by making it a life insurance the State will be certain of the repayment of one-half upon the death of the tenant-purchaser, and might in consideration of that postpone the payment of the remaining half until after that death?—Exactly; but in many cases the State would get much more than half, and in no case less.

2294. The general effect would be that there would be some postponement of the repayment of the whole, but a considerable possibility of the repayment of a half much earlier than by the ordinary plan of repayment by instalments?—Yes, certainly.

Mr. Bruce.

2295. My object in putting the question was to ascertain what the general effect would be, not what the effect would be in particular cases; I am not quite sure now that I understand whether the average effect of the whole of this transaction would be a deferment of the period of complete repayment of the loan, or whether it would not?—Upon the average of the cases it would make scarcely any difference whatever whether you pay  $1\frac{1}{2}$  per cent. to the Treasury for 35 years, or whether you pay  $1\frac{1}{2}$  per cent. to the Postmaster General for an insurance in the way that I speak of. The Postmaster General might make a small charge for the risk he was running, and then there would be a slight friction which would retard the operation a few years, but in the average of cases there would be very little difference, and it would be a distinct advantage to the State to have a half or more of their loan paid off when the person to whom they looked for complete security was dead.

2296. Am I right in understanding you to say that the general effect of this proposition would make no difference whatever to the present system as to the complete repayment of the loan?—It would not upon the average of cases; the  $1\frac{1}{2}$  per cent. is to be repaid in all instances.

Mr. Bruce—continued.

2297. And that  $1\frac{1}{2}$  per cent., whether applied in sinking fund or in insurance, would produce complete repayment in some instances?—Yes; of course the Postmaster General would want something for his trouble and risk, but the couple of years which the farmers' lives are better than the average should cover the whole thing.

Chairman.

2298. I should like you just to describe to the Committee what is the exact method in which the landlord's right of pre-emption to buy the tenant-right is exercised?—Properly speaking, upon a large estate where tenant-right is fully acknowledged, the landlord would hardly interfere at the sale, but he might give notice, if he wished, that he would take it at the price that the highest *bona fide* bidder would give.

2299. Does the custom of the country recognise the principle that when a tenant-right is put up for sale by auction, and is knocked down to a purchaser, then the landlord has the right to come in and offer the same amount and take it?—It does.

2300. Then to follow out that analogy, the tenants contend that in the second case the right of pre-emption ought to be given to them?—Precisely.

2301. And that where the property is knocked down to an outside bidder, they should have the right of coming in either in gross, or each man for his own lot, if the lots are put up separately, and buy as of right?—Yes, in each case there would be a certain jealousy; the tenant being a little jealous of the landlord getting a full price, and the landlord in the same way being a little jealous of the tenant-right.

2302. I presume you would use that not as a definite proposal to give the tenants a right of pre-emption, but as an argument in favour of going to the extreme of what is reasonable with a view of giving the tenants facilities for buying?—Yes; but it is a growing feeling which the Legislature will have one day to meet in some way or other.

Sir John Leslie.

2303. You trace it entirely to the fact that the landlord has the right of pre-emption as regards the tenant-right, that the tenants think that they ought to have the right of pre-emption with regard to the purchase of the land?—I think I said that in Ireland, and especially in Ulster, the landlord and the tenant are partners in the concern, and that when either partner wants to retire the one should have the option of buying him out at a fair price.

2304. Do not you think that the fact of a sale of church lands, where the tenants are allowed the right of pre-emption, operates on the minds of the tenants in other cases?—I do not think, in the parts of Ulster with which I am most familiar, where there were really no church lands, that much was known about it. I think the action of this Committee has done a great deal to draw the attention of the farmers to the whole matter in that respect.

2305. But they do not know much about the evidence which was given before this Committee, do they?—They get a column or so of it published every day in their newspapers, and they read it very attentively, I assure you.

Chairman.

2306. Am I to understand that in your opinion there is an increasing desire amongst the farming class

Chairman—continued.

class to acquire the freehold of their holdings?—Undoubtedly, from the great inducement which the acquisition of the tenant-right has given to all the people to be saving and provident in order that if they are, they may acquire a property in the land.

2307. And by increasing the facilities of acquiring land and becoming owners in other parts of Ireland, do you think the same result would follow there?—I quite think so.

Major Nolan.

2308. Do you think this right of pre-emption could be given to the tenants without in any way interfering with the pecuniary interest of the landlord?—I think it could: I think the tenantry have the very fullest wish to see the landlord's interest as well protected as their own.

2309. There is another point upon which I wish to ask a few questions: do you think that there would be any unpopularity attached to the repayment of the State advances at any future

Major Nolan—continued.

time, if the State were to advance a portion of the money?—I think not, if the State were to do as a landlord does when a tenant gets behind under the Ulster tenant-right system; in that case he compels him to sell his tenant-right; whatever he owes to the landlord is taken out of the purchase money, and the balance of the produce of the tenant-right is handed back to the man; in the same way, if the State sold the tenant's interest, and handed the balance back to the man, it would be perfectly equitable and fair, and there would be no bad feeling about it.

2310. You think there would be no general bad feeling about the fact of an occasional proprietor being sold up by the State?—Certainly not.

2311. If the State were to refuse to advance money from the fear that it might at some time be unpopular from enforcing payment, do you think that would be taking precautions against an imaginary evil?—I think if the State would sell a man's interest, and hand him the balance, there would be no bad feeling whatever.

Mr. JOHN O'HAGAN, Q.C., called in; and Examined.

Chairman.

2312. You are a Queen's Counsel of the Irish Bar, I believe?—I am.

2313. For many years you were Chairman of the Quarter Sessions and County Court Judge of the county Clare?—I was for six years Chairman of the Quarter Sessions for Clare, and before that I was six years in Westmeath, and two years in Leitrim, 14 years in all.

2314. You gave up your last appointment, I believe, two months ago?—Yes, I did so in consequence of the increase of business which was thrown upon the chairman by the late legislation, which I considered incompatible with my professional practice.

2315. You have taken a great deal of interest in the question which is now before the Committee, have you not?—I have for many years.

2316. In 1868 you were a member of a committee which fully considered the whole subject, and agreed to and recommended a scheme for the purpose of giving greater facilities to tenants to buy?—Yes; I may say that that committee met habitually at my house. It was mainly brought together by Mr. Dix Hutton, by whom its report was framed.

2317. Your scheme proposed certain conditions for the purpose of buying properties with the money belonging to the Irish Church, and reselling them to the tenants?—Yes.

2318. And it was part of that scheme, was it not, that not only should portions of the properties be sold to tenants, but that leases in perpetuity should be given to others on payment of a small fine, or at a small increase of rent, I believe?—It was.

2319. Your attention, I believe, had been long called to the very limited number of small proprietors in Ireland as compared with other countries, and even with England?—Certainly.

2320. Will you explain to the Committee why it is that, in your opinion, there are so few small owners in Ireland?—It was impossible there could be many, considering the history of the country. If I were asked to express briefly what was the cause of there being so few owners in

Chairman—continued.

Ireland, I would say the cause was the great territorial conquest of the 17th century, the loss of the territorial conquests, as it has been called, and 400 or 500 years later than any of the other European territorial conquests.

2321. That territorial conquest prevented in Ireland that which took place in England under the copyhold system, namely, the conversion of the copyhold tenements into permanent holdings?—I think completely so. The truth is, that the old Irish tenures, which have been so often described, were no doubt of a primitive semi-feudal type, but I think they would, like the English tenures in villages, have acquired the same character of individuality and of perpetuity, and very likely the State would have come in at a later period to transform them into absolute ownership as has been done upon the Continent. The whole of these tenures were swept away completely by the well-known decision which Sir John Davies procured from the King's Bench, condemning the ancient Irish usages of gavelkind and other tenures as "barbarous customs," as he termed them; and the consequence was that, when the certificates took place, none of those tenures, however innocent the holders of them may have been, were in the least degree regarded. Sir John Davies gives a very full account in his famous letter to Lord Salisbury, in the year 1610, of his proceedings in the north of Ireland to establish what is known as the Ulster Plantation. Attempts were made by the tenants of the Earls of Tyrconnell and Tyrone to retain possession of their holdings, they not having been alleged to have participated in the supposed treason of their chiefs. In fact, they retained a lawyer of the Pale to defend their inheritances. Sir John Davis answered that they had no freehold; that their tenure was no better than tenure in villages; that the Irish customs had been abolished, and that accordingly the King might take the whole soil into his hands. The soil was taken in that way, it being declared lawful to do so, and that is only 260 years ago. Then in another generation came

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the great Cromwellian confiscations; then the defeat of James the Second; and then the penal laws, which absolutely debarr'd the great majority of the Irish people from attaining any rights in the soil whatever.

2322. The result of those political causes has prevented the growing up of any small proprietors in Ireland?—Quite so.

2323. In your opinion has the state of the law also in regard to the settlements of land operated to prevent the creation of small proprietors since then?—I think the main cause since then has been the fact of the land of Ireland, with comparatively few exceptions, being entailed; there has been no power of late years to grant leases exceeding those which the tenants for life were empowered to grant either by law or by the terms of their settlements.

2324. The great bulk of the land in Ireland is subject to settlement, and therefore there has been little opportunity given for the creation of small ownerships?—According to my experience, a very great bulk of the land is in settlement.

2325. One result of these settlements has, I believe, been greatly to increase the cost of transfer?—Quite so; the cost of transfer has been very much increased on that account.

2326. Is it your opinion that, looking to the state of the law in regard to the transfer of land as it exists, with all these settlements upon it, you can reasonably hope to see the creation of small owners without the assistance of the State?—I do not see how it is possible, and I may add that even with the assistance of the State I do not look forward to any very large creation of small proprietors within anything like a reasonable period, because if you merely take the action of the Landed Estates Court, it appears to me from the statistics which have been already before the Committee, it will be centuries before you could hope by the action of the Landed Estates Court to turn the greater part of the soil of Ireland into small freeholds. I do not say that it is desirable to do so rapidly, but I mean that the process is necessarily slow.

2327. In order to create even a considerable infusion of small freeholders in Ireland, would there not be great difficulty in the present state of the law, even with State assistance?—Even with State assistance. The sales in the Landed Estates Court amount in value to something like 800,000 l. or 1,000,000 l. a year. Supposing you were enabled to sell a great portion of that to the tenants, it is a mere matter of arithmetic that it would in that way take a very long period to create a preponderance of small freeholders. Putting aside sales by the Court, I do not see how it is possible by merely individual action to create many perpetuities, or small freeholds, by reason of the existence of settlements; those settlements being reproduced generation after generation; because upon the marriage of the eldest son, or generally upon the eldest son coming of age, the estate is re-settled.

2328. I understand that you consider that Part 2 of the Irish Land Act, which contemplated the sale of land by agreement between landlord and tenant, and under which facilities were to be given by the State in the way of advancing loans in such cases, is likely to prove a dead letter?—I think it is practically worthless, for this reason, that there is no inducement to a tenant for life to sell to his tenant for what he

Chairman—continued.

would get, because the purchase money must be invested under the trusts of the settlement; and in any investment which is authorised by the law, there is very little chance of the seller obtaining a larger income than he gets from the land itself; so that he loses partially the status of a landlord, without getting a larger income.

2329. The landowner would be selling property which pays him on the average 4 per cent., and must invest the money in State funds, which would return him only 3½ per cent., probably?—Yes; but the power of investment is larger than merely in the Government funds; it embraces India stock, and Bank stock, and real securities, as well as Government securities.

2330. But still, even taking that into consideration, the inducement to a landowner to sell settled property to his tenants is so small that it may be disregarded?—It is practically so.

2331. And you do not look forward to any substantial result from the working of that part of the Act?—I do not.

2332. As regards the Irish Land Act, the only hope of any result is from the 46th clause, which deals with the properties sold in the Landed Estates Court?—It is so, in my opinion.

2333. We have been already told that the great part of the land in Ireland which comes for sale is sold in the Landed Estates Court?—Yes; any land sold by decree under any court of equity must, except under exceptional circumstances, be sold in the Landed Estates Court. No person is permitted to institute proceedings merely for sale in the Court of Chancery; he would not get his costs; he must take it into the Landed Estates Court.

2334. Have you formed any opinion why the 46th clause of the Land Act has had so very little result?—The Committee have heard evidence upon that point from witnesses who see better able to inform them than I can possibly be.

2335. Do you agree with Mr. Vernon, that that clause has thrown upon the Landed Estates Court a duty which is somewhat abnormal to its ordinary proper functions?—I entirely concur with Mr. Vernon in that opinion; I am of opinion that the real secret of the Landed Estates Court not having worked to a greater extent the 46th clause has been, that it is primarily and essentially a court of justice which we look to for the discharge of its primary functions especially; if you cast secondary function upon it, the secondary functions will very naturally be disregarded whenever they clash with the primary functions.

2336. You think that that is a great measure accounts for the comparatively little results which have been attained under that clause?—I do.

2337. In the year 1868, as I think you have already told the Committee, you were in favour of the appointment of a commission, especially for the purpose of dealing with this question, and facilitating the increase of owners in the form I have mentioned; are you still of that opinion?—I am still of that opinion, and I am very glad to see that Mr. Vernon made the same proposal, evidently, I think, without being acquainted with the report of our committee of 1868.

2338. In your opinion, how would a commission so appointed deal with the question of settled estates; is there any method by which it could propose to the owners of settled estates a means



Chairman—continued.

of giving to their tenants the opportunity of becoming owners, or perpetuity leaseholders?—With respect to their becoming absolute owners, it does not appear to me that that commission would increase the working of the third portion of the Act at all, that is to say, the voluntary action; because the difficulty would always exist, that if you have land in settlement, you must have an inducement to the tenant for life to turn the settled land into settled money, and that inducement, I think, would not exist more after the creation of the commission than before it. But the second point which you have put to me is a different one, and I think there might be a considerable inducement held out for the creation of perpetuities, subject to a rent, that rent being either redeemable or not as might be agreed on; for example, suppose the land be in settlement, a tenant for life may have no inducement to sell out and out, because the money should be invested, but he might have a very considerable inducement to grant a lease in perpetuity, a fine being taken for the perpetuity; of course, injustice must not be done to the inheritance, and therefore the fine must be either invested or divided rateably between the tenant for life and the inheritance, or else applied in payment of charges or incumbrances affecting the inheritance; in either way there would be an immediate advantage to the tenant for life, with no diminution of rental, because I apprehend the fine would be paid over and above the actual rent payable by the tenant.

2333. Your proposal would be that the commission should have power to facilitate arrangements between the landlords and the tenants, under which, in consideration of a small fine payable by the tenants, the tenancies should be converted into perpetuities?—Yes, if the tenant himself were not able to furnish the money, which he in many cases would be.

2340. Do you think many landlords might desire to avail themselves of such a plan in order to convert their tenants into perpetuity leaseholders?—I think they might, and if I do not mistake, the Marquis of Donegal, some thirty years ago, obtained a special Act of Parliament to accept fines for the conversion of leases for lives renewable into fee-farm grants, the money being applied to the payment of incumbrances affecting the inheritance. This was two or three years before the passing of the General Renewable Leasehold Conversion Act.

2341. You could, I believe, refer the Committee to the Act under which that was done?—It is the 9th of the Queen, chapter 3.

2342. In that case Lord Donegal was permitted to take a fine from his tenants, and to give them perpetuity leases, instead of tenancies from year to year?—Instead of leaseholds renewable.

2343. The fine, or proceeds of the fine, were devoted to paying off the incumbrances?—Yes.

Sir Joseph McKenna.

2344. That is to say incumbrances affecting the inheritance, I presume?—Yes, incumbrances affecting the inheritance, of course.

Chairman.

2345. If a commission of that kind were established, do you think it might be safely left to

Chairman—continued.

deal with the question of inheritance?—I think so, because the tenant for life would himself, to a certain extent, protect the inheritance, that is to say, he would look for the best possible advantage for himself, and if it were laid down as a cardinal principle that no injustice should be done to the inheritance, the larger the amount he got the greater the protection to the inheritance.

2346. It would not be necessary to interpolate any other condition than that?—I do not think that it would be necessary.

2347. And then the funds derived would be applied to paying off incumbrances, or if invested would be invested to the same use as the land itself?—Yes, it would increase the income to the tenant for life, or else the tenant for life might get it so arranged that the entire of the capital should be preserved for the inheritor, the tenant in the meantime getting his proportion; it would be a mere matter of an actuary's calculation on the value of his life estate.

2348. Do you think in many instances the tenants would be willing to give a small fine for the purpose of converting their tenancies into perpetuities?—Yes, I think there can be no doubt that they would; my experience teaches me that they consider nothing in comparison to their security in the land being undisturbed.

2349. In your opinion it would be one of the functions of the Commission to make arrangements between landlord and tenant for the conversion of tenancies into perpetuities?—Yes.

2350. Another function would be for the purchase and sale of property under the Landed Estates Court?—I would propose under the 46th clause, that the Commissioners should be substituted for the Board of Works; the Board of Works appear to have had a power which they have not exercised, which, therefore, has become a dead letter, namely, making proposals in the Landed Estates Court; it was much the same with them as it was with the Landed Estates Court, it was giving to the Board of Works a function which was outside their proper function; it was the old story of pouring new wine into old bottles. I do not think they could be expected to do it, but if you substituted for them this Commission whose business it would be to facilitate objects of State policy, I have no doubt they would do it, and do it with a will.

2351. The 46th clause contemplates a body promoting the functions of the Landed Estates Court?—Yes.

2352. That is to say, to decide the cases upon the application of this public department?—Yes.

2353. Then, supposing a Commission should be appointed which would take over this business, it would exercise that function which is contemplated under the 46th clause?—Yes, precisely so.

2354. And would represent the interest of the tenant before the Landed Estates Court?—That would be one of its functions, another would be buying the land *en bloc*, as suggested by Mr. Vernon, so that no one could say that any injustice was done to the seller.

2355. In many cases it might not be necessary to go so far as that; it would ascertain how many tenants were likely to buy, and, representing their interests before the Landed Estates Court,

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it might so arrange that the tenants should have the land allotted out to suit them?—Quite so.

2356. Then if a certain proportion of the tenants were not ready to buy, or the Court were of opinion that it was not desirable in the interest of the landlord that the estate should be put up in such a way as that the tenants could buy, then it could further exercise in respect of the total estate the function which Mr. Vernon proposed, namely, that it would go into the court and buy on behalf of the tenants?—Quite so.

2357. In that respect it would be a substitute for the proposal of the Act, in Clause 47, which contemplates the tenants buying *ex loco*, and subdividing amongst themselves?—It would.

2358. Do you consider that Clause 47, as it now stands, is a workable clause, looking to the condition of the Irish tenants; are they likely to be able to combine together for the purpose of purchasing in the Landed Estates Court?—Unless some person took the matter up and worked it for them, and worked it through, they would be exceedingly unlikely to be able to do it.

2359. You would not be surprised, therefore, to hear that the clause of the Act has been almost a failure?—I should have been greatly surprised if it had been a success.

2360. Are you of opinion that in order to enable the tenants to buy *ex loco*, or a certain proportion of them to buy *ex loco*, it would be necessary that there should be an intervention of some commission or board upon their behalf?—I think it would be absolutely essential.

2361. Who should buy the whole lot, and then sub-divide among the tenants who were prepared to buy, and then sell the residue?—It is my opinion, that for the working of the scheme, that would be essential.

2362. Do you think that such an operation might be carried out without any great loss, or without any loss at all?—I perceive that Mr. McDonnell did anticipate that there would be a loss; I would be very sorry to state anything in conflict with a man of such practical ability as Mr. McDonnell, and therefore I state my opinion with very great diffidence; but speaking for myself, I think it is a case in which the risk of loss (for you cannot put it at more than a risk) must be faced, if it be the policy of the State to create these ownerships, for the purpose of giving loyalty and stability to Ireland.

2363. Supposing a particular lot offered in the Landed Estates Court combined a great variety of tenants, some large and some small, some able to buy and some unable to buy, would a Commission, such as has been suggested, be able to sell to those who are willing to buy, and then create perpetuity leases at an advanced rent for those unable to buy?—Yes; it would be an enormous advantage of that Commission that in buying property they would be the masters of it; they could sell to those who had money, or make loans to those who had a portion of it, or with respect to the residue could lease it. You would expect that the Commission would be likely to last some score of years, and therefore I do not think that the residue would create difficulty, as it does in the Landed Estates Court, where you must have an order for sale within a limited time.

2364. Having created perpetuity leases in respect of such of the residue as they thought it politic to deal with in this way, it would then sell

Chairman—continued.

the perpetuity rents in the open market?—It might sell them in the open market.

2365. I presume you would not think it unreasonable that the Commission should somewhat increase the rent of those to whom it gave perpetuity leases, adopting either one plan or the other, that is to say, taking a small fine, or raising the rents?—The Commission would have the whole thing in its own hands; everything would depend upon the *personnel* of the Commission, but if they were men of resolution and ability I think the system would work satisfactorily.

2366. It has been stated by Sir Frederick Heygate, that looking at the Reports from Her Majesty's Commissioners Abroad, he could find no case in which the State had intervened on behalf of the tenants, and had advanced money for the purpose of facilitating the creation of ownership?—I have no means of knowing anything upon that subject except from the same sources that Sir Frederick Heygate referred to, such as that Report and the Essays of the Cobden Club, and works which I may have read from time to time; but I observe that, in the case of Wurtemberg, in which it is stated that there is possibly a greater proportion of small tenants than in any country in Europe, the State was to a considerable loss; I think that what is stated, is that the difference between 16 and 23 years' purchase was borne by the State; the landlords were bought out at 23 years' purchase, but that the tenants paid 16 years' purchase in terminable annuities, and that the difference, amounting to something like 220,000 £, was paid by the State.

2367. Was not that the case in Bavaria?—In Bavaria, I think, the State appeared to have paid 2 per cent, and in Austria the State appeared to have borne a third of the value of the whole expense; it is stated that of the redemption money one-third was taken from the landlords, which was more or less a sort of confiscation. Another third was made payable by the tenants, and the remaining third was paid by the several provinces in which the lands were situated.

2368. In the case of Prussia, I think the operation was carried out by means of land banks?—Apparently it was; but these land banks have the guarantee of the State; therefore they are to all intents and purposes State institutions.

2369. In all cases the object was the same, namely, to create ownerships instead of tenancies?—It is impossible I think to read these Reports (I can only speak from the Reports), without being convinced that they disclose these facts; first, that almost every State in Europe made immense exertions to create this very class of small proprietors, and secondly, that the almost universal result has been a very great success.

2370. The general testimony of Her Majesty's Ministers in these Reports is favourable to the results which they have shown?—Most undoubtedly; and what is very striking is, with respect to such a country as East Prussia; I think it was Sir Frederick Heygate who said that the success of the small proprietors in France and the southern countries was due to the class of products which they could produce, such as the vine, the olive, and the orange, but a country like East Prussia is much more unfavourably circumstanced

Chairman—continued.

circumstances than Ireland as regards its products, and yet there is no case more in favour of small proprietorships than that.

2371. Was there no limit to their holding?—In Wurttemberg, the creation of small proprietors extended even to labourers, and it was said to be very successful; it was said to be a very good thing for a man to have from half an acre to an acre of ground independently, and to have his daily labour beside it.

2372. The result is, that throughout Germany and a great part of Europe, at least half of the agricultural labourers are owners of land?—So I gather from the Reports.

2373. From the lowest to the highest there is a constant gradation of ownership?—Undoubtedly.

2374. You are of opinion that it would be expedient in Ireland to extend facilities of the same kind so far as is reasonable?—I have a little difference in speaking on that subject, because I do not put my own opinion forward, as one having personal experience of land; what I have known of it has been chiefly from what I have learned as a county court judge; but this I can say, that the herdsman, for example, who has got a house and garden, or an acre and a half of land, attached the greatest possible importance to it. Sometimes they assert that by reason of their being there for a length of time, they have obtained a title under the Statute of Limitations; for the most part that has been decided against them, but it is perfectly plain that they attach the utmost importance to these little holdings.

Mr. Parnell.

2375. You mean that they attach the utmost importance to holding the house and land free of rent?—Yes, no doubt, they attach the greatest importance to that, but then they are willing to pay a small rent; for example, in many cases in which I have arranged with the holder to pay the rent, I have said, you must pay so much for your holding, either in labour or in rent.

2376. So far as the case you speak of goes, the cow-taker or herd got in without a fine, and paid no rent?—He would have to pay a labour-rent, and there would very often be great disputes as to the amount of the rent. My opinion is that there would be no harm done if you could even give so small a class as that an independent settlement upon the soil. But upon these agricultural points I do not put forward my opinion as of any practical weight. I have not had experience in the matter.

Chairman.

2377. As far as you have had experience in this matter, you find that the small owners appreciate ownership?—They certainly do, and with the utmost intensity.

2378. It has been suggested by some witnesses to this Committee that a limit should be drawn below which the State should not give facilities to the tenants, or at all events that they should exercise very much greater care and caution?—I would leave that to the Commission; if you have a Commission I would put no restriction upon them. They may find it inexpedient to undertake certain cases; they may think a man so poor, or another's holding so small that there

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would be no real security for the re-payment of the loan.

2379. In those cases the Commission would have the power of creating perpetual leases?—Yes, precisely; I would impose no restriction upon the Commission by Act of Parliament; I would appoint a commission of that kind, and leave them free to do as they might think right. Of course they would be responsible to the State, and they would be careful enough not to waste the State funds unnecessarily.

2380. I think a proposal of this kind was made some years ago by a French writer, M. de Beaumont?—Yes, he visited Ireland in 1836 or 1837, and wrote a book which was very much considered at the time. I think before writing his book he had intercourse with some of the ablest men in Ireland; he certainly had access to the very fullest sources of information, and he reported in the strongest way in favour of the creation of peasant proprietors as the real remedy for the evils of Ireland, and as the chief means of rendering the Irish a contented people. I may say he was of opinion that before that could be effected the land laws, namely, the laws of primogeniture, and the laws permitting entails, should necessarily be repealed, and he advised the repeal of those laws as regards Ireland. He also advised that the Church lands should be sold to the tenants in fee, as has been now done; that was one of his very proposals.

2381. As regards the question of entails, I suppose he referred to what had been done in France at the time of the Revolution?—Yes, when substitutions equivalent to our entails were abolished by Mirabeau's famous Bill, at the beginning of the Revolution, it was done with the express purpose of destroying the great land ownerships; and so De Beaumont thought it would be a desirable thing to abolish entails, and to abolish primogeniture, in order that the smaller proprietors might be gradually created. I may add, that he had not the slightest idea of suggesting that any violent means of breaking up the large proprietorships should be adopted in Ireland, such as were adopted at the time of the French Revolution.

2382. Whatever may be your views upon that subject, of course if we wait until those measures are carried out in Ireland, we may wait a very long time?—If I were asked my opinion, I think the idea of entails and settlements appears to be so strongly rooted now amongst landed proprietors as it was when I was called to the Bar. I do not see the least intention of giving them up, and accordingly I think any idea there may be of creating small proprietors, or creating perpetuities, should be adopted entirely independently of any hope of abolishing entails and settlements.

2383. It is rather in that direction that it is expedient to move now than in the direction of simplification of entails, and so forth; you see no immediate prospect of moving in that direction?—That is more a political than a legal question; but, as far as I can judge, I should say that will be a very distant day indeed. When I mention De Beaumont, I should remark that he was not alone among foreign writers in dealing with this subject, because Sismondi, and Von Raumer the Prussian traveller, and many other persons of that

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early period, advocated the creation of small proprietorships, not in the way at all of abolishing large proprietorships, but by a large infusion of small ones to give stability to the country.

2384. Dr. Hancock gave some evidence at the commencement of the inquiry by this Committee, as to the necessity of simplifying the law of transfer, especially as regards the small owners; what do you say with regard to that?—I think it is essential to do so. If you create a class of small owners you must have a mode of transfer which must be practically within their reach, and they should not be burdened on every transfer with the very heavy cost which now attends the dealing with real property; therefore I think a necessary concomitant of any such plan would be the creation of such local registries as Dr. Hancock proposed, although I would be in favour of a county system rather than of a union system such as he proposed.

2385. He was in favour of local registries of title?—Yes; I am also. I see no difficulty in establishing them. In a county town you have the commodated Clerk of the Crown and of the Peace, who must be a solicitor of experience; he is highly paid, and if you make him the head of the local registry office, I think you will have a tolerable security for the thing being rightly done; the entries may be of the simplest kind. It appears to me that in dealing with small landed property there are three ordinary transactions: transfer, out and out, mortgages, and leases. The essentials of these could be easily entered on the registry. As to settlements, I would not enter the details at all, but treat them as transfers to the trustees, who would in equity be bound by the trusts declared.

2386. Having called into existence a class of small owners, it is very necessary, of course, that they should have all the means of utilising their properties to the best advantage, either by way of sale or by way of mortgage?—I think so. I may add (returning a little to the previous subject), that, in my opinion, I see no object to be gained by fettering the small proprietor with the restriction upon alienation which is now contained in the Act of Parliament, and I see no reason why he should not sell, the purchaser from him standing precisely in the same relation to the Board of Works as he did. But with regard to subdivision, it might be a wise thing to retain the restriction upon subdivision.

2387. As long, at all events, as the State stood in the relation of mortgagee to the property, they would have a perfect right, I presume, to insist upon no subdivision?—I think it would be quite just, and besides, I think it is wise of the State to require that. I think it would work beneficially in this way: that it would, for a certain time, at all events, tend to keep up the habit which has very considerably grown, of there being no subdivision.

2388. Do you agree with some of the witnesses as to the fear that they entertain of the subdivision of small holdings?—I think not. I think that the habit of subdivision has greatly gone out. In the county that I know best, namely, the County Clare, the habit of the people with respect to the settlement of their farms, as referred to by Mr. Lynch, who was examined before the Committee last year, has come considerably under my own experience. The custom has been this:

*Chairman—continued.*

the owner of a farm, when his eldest son came of age, or 23 or 24; when he came to be marriageable, in fact, would look out for a girl with a fortune, and being able to get a fortune of very considerable extent (an ordinary farmer would get for his son as much as 200 £ to 300 £), that would be paid not to the son, but to the father; a portion of it might be left with the son to stock the farm, but the bulk of it would be left with the father, and would be, in fact, the purchase-money of the farm. The father would reserve, by the settlement for himself and his wife, a small piece of land, a garden, as it is termed, and the grass for a cow, "wet and dry," which means a right to have his cow fed summer and winter upon the farm. Upon this the father and mother would subsist; the son would become the owner of the farm, and the money would go to provide the other children. I think that the system would remain the same if they became owners-in-fact; they would not subdivide to their children, but would follow the mode of dealing to which they have become habituated.

*Mr. Plunket.*

2389. What becomes of the abode in which the old people set themselves up, when they die?—It falls into the farm when they die.

2390. Is it kept upon the farm permanently for the purpose of the old birds in that way?—No, in the next generation the son would make a similar arrangement; he would take a piece of land, not the same, but any other half acre that might be selected.

2391. In fact, you mean that that place is generally kept as a dower house for the old people?—It is not a permanent house; they get a room in the farm-house to sleep in and a piece of garden.

2392. Is it not very often the case, that when the old people have a place of that kind, either before or after the death of the father, the mother will take to live with the second son, very often the favourite son, and there will be a struggle then between the two establishments?—There are family quarrels unquestionably, and many of them have come before me, but I really do not see that the fact of there being family quarrels is a complete argument against it; it may be an argument against this particular mode of arrangement, that is to say, against having the old people pensioned off in this way, but that has become rooted in the habits of the people, and is not likely to be discontinued.

2393. I did not mean it in regard to that alone, but rather in support of your view with regard to the general question of subletting and subdividing, of which you stated that you were not in favour; it is a great source of trouble in managing an estate when two sons of a family endeavour in some such way to have establishments upon a farm held by their father?—But there is really no subdivision in this arrangement at all; it is merely one farm with the use of this half acre of land; it is a kind of easement; not strictly speaking, a property.

2394. But is it not a very common cause of difficulty in managing a farm in Ireland that the farm becomes in that way a battle-ground between the two grown-up sons of the old people; have you not seen cases of that kind arising?—Yes; I have seen cases of that kind occasionally, but

Mr. Phelan—continued.

but that has not been so common as the instances of father and son falling out with regard to the easement for the grazing of a cow, for they have generally come into my court in quarrels of that kind, but still, on the whole, the proportion of this kind of quarrels is small.

Chairman.

2393. Still, so long as the mortgage to the State subsisted, the State would have a right to prevent subdivision?—Yes, I think so, and with justice.

2395. That would extend to the period of 34 years under the Act?—It would; and in that time I would hope that the habits of the people would have so altered that the tendency to excessive subdivision, which in former years resulted to a great degree from the improvidence which came from interdestination, would not exist.

2397. With that exception you think that the restrictions on alienation should be done away with as not being wise?—I think so. I do not think they are either wise or judicious.

2398. We have been told that making a will, leaving the property to one person, causes a forfeiture; what is your opinion of that decision?—I should call that superstitious.

2399. Do you see any objection to persons being allowed to make a second mortgage upon small holdings?—I do not think that the State would have any reason to complain of it seeing that the State mortgage would override any inferior mortgage.

2400. As far as the State was concerned, their security would not be in the least affected?—It would not be in the least affected.

2401. Therefore you see no reason to object to it?—No; I would fetter freedom as little as possible. I do think there should be a fetter as regards subdivision, but I would not fetter either sale or mortgage.

2402. One of the difficulties about this question has been the difficulty relating to easements as between the tenants; would you be so good as to express to the Committee your opinion upon that subject?—I think it was explained by Mr. McDonnell, if I do not mistake (and it is a matter which is familiar to every lawyer), that, by the decisions under the Prescription Act, an easement, such as a right of way, cannot be acquired unless it is acquired against the whole world. Supposing there were two adjoining tenants, either under the same or two different landlords, and that one of these tenants claimed to have a right of way which he had exercised for 30 years over the holding of his neighbour, such exercise would confer upon him no legal right, even during the subsistence of the lease; it might be quite fair to say that it would confer no right as against the landlord, because, of course, a landlord should not be prejudiced by the negligence of his tenant; but even during the existence of the lease it confers no right upon the one tenant against the other; the consequence has been, that there are very few rights of way existing in favour of the tenantry of Ireland. Since the passing of Sir Colman O'Loughlin's Act some years ago, which gave power to chairmen of counties to decide rights of way, I have had a number of such cases to try; as a general rule, I have had to decide that the easement claimed did not exist, following the

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decision in the case of Bright and Walker, because the right had been exercised while the land was in tenancy; I, therefore, think that the general law of easements ought to be altered in this respect; and that just as a person can by the Statute of Limitations acquire a right to a piece of land as against the tenant, though not against the landlord at the expiration of the term, so in the same way he ought to be allowed to acquire a right to an easement as against the tenant during the tenancy.

2403. The state of the law is, that one tenant cannot under the Prescription Act acquire a right of way as against another tenant?—The law of right of way is, that while the tenancy is existing, no person can acquire by prescription a right of way which will bind the inheritance, nor even a right of way which will bind the tenant.

2404. How has this question been affected by the Land Act; the difficulty has been increased since the passing of the Land Act, has it not?—Yes, certainly; before the Land Act these rights of way were practically managed by the agent or by the landlord; he would go down and say, "You must allow this right of way to A. B.," and they would yield to the *three measures*, but since the Land Act passed they will not yield; they are much more stubborn.

2405. Then this difficulty of easement is not merely the difficulty which may occur upon a property being sold, but is already in existence between the tenants *inter se* generally?—Undoubtedly; I think that if such a commission as Mr. Vernon proposed were in existence, one of the duties of that commission would be to make arrangements with tenants in order to settle questions of this nature, and generally with respect to their holdings.

2406. To deal with the whole question, in fact?—Yes, to deal with the whole question.

2407. Then I may take it generally as the result of your evidence, that you do not think any great results can be expected from the Land Act, as it now exists, in respect of the purchase by tenants of their holdings?—I do not.

2408. And that even with State assistance no great results would occur, provided you leave the machinery as it now is?—I do not think that any useful results will occur so long as you use the Landed Estates Court as the machine, that being properly a court of justice.

2409. In your opinion, if we are to arrive at any results worthy of the name, we must alter the machinery altogether?—Yes.

2410. For that purpose, then, you would recommend the appointment of a commission, such as that which Mr. Vernon has suggested, and which you have described to us?—Yes, quite so.

Mr. Phelan.

2411. To what extent would you be disposed to substitute a class of tenant proprietors for the existing landlords of Ireland?—I would leave that to natural laws. In the nature of things, apart from revolution, which we all deprecate in the very strongest manner, the process must be necessarily slow; I would, therefore, leave it to the growth of nature; it would certainly be a century or so before there would be any such infusion as to sway the balance against the larger proprietors.

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2412. At

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2412. At present you are aware that in Ireland, compared with England and other countries, there are very few large landowners at all?—I would say it would depend entirely upon what you call "large"; my impression is the other way.

2413. I am comparing the proportion of land in the two countries, namely, England and Ireland, and I am speaking of the number of large landowners; the complaint, as I understand, is that the land in Ireland is in the hands of a very few large proprietors, and those of the upper class entirely?—I do not understand that to be the complaint; what I understand to be the complaint is that there are so few of the farming class owning land.

2414. That is a different thing. I ask you, do you believe, as a matter of fact, that the upper class in Ireland is a large or a powerful one?—I think there are a very great many large owners and intermediate owners. I could not give you statistics upon that point. Those would be contained in the *Domesday Book*, I suppose, but I have not made myself familiar with them.

2415. As I understand from you, you are not prepared to recommend a sudden or sweeping transfer of the property in Ireland generally from the present proprietors holding large tracts (be they many or few comparatively to those in other countries) to the tenant?—No, I would leave the thing to natural growth, assisted by the State in the manner we propose. The very large proprietors I may say are the proprietors upon whose estates I should think the change would be least needed; that is my experience.

2416. When you say that you would leave it to "natural laws," what do you mean by that. I suppose you mean that when a landlord from other circumstances feels disposed to part with his property, there should be every facility for the tenant to give to him the market price of the property?—Yes, but I mean also this, that I think the object of creating this class of proprietors is a good object in itself, and one that the State should further, and for this reason especially, that it was the action of the State in past times, when just dealing was not so well understood as it is now, which prevented the growth of that class of people, and I think that England will best pay its debt to Ireland by acting in a way calculated to create, in a proper and constitutional manner, that very class which in former times it endeavoured carefully to repress.

2417. When you speak of "proper" and "constitutional" would you go the length of offering a bounty to the landlords for selling their lands to the tenant; that is to say, would you offer them, by such a commission as you are suggesting, a better price than they would otherwise get in the open market, in order to induce them to sell and assist the creation of peasant proprietors?—I am not aware that that has been proposed, as it would be a direct sacrifice of the State funds. What has been proposed is that the commission should go into the market.

2418. I understood you to say in aid the precedent of what had been done in foreign countries, where you said there had been a direct sacrifice of the State funds for the purpose of expropriating the large quantities?—I did so, but

Mr. Plunket—continued.

I do not advocate any direct sacrifice of the kind. There might be some risk of sacrifice of the State funds, and that risk I would encounter, but I would not voluntarily incur any sacrifice.

2419. I wished to know whether there was any desire on your part to adopt these direct principles of foreign policy in which the State funds have been sacrificed?—I have not that idea; the honourable Chairman asked me whether no foreign country had given aid for the purpose of creating these proprietors, to which I answered that foreign countries had gone farther than it is proposed to do here.

2420. Then, as I understand, all you propose to do is, to give every facility possible for the landlord to obtain from his tenants the fair market value of his property, and for the tenants to purchase it?—Yes, certainly.

2421. You say that the Landed Estates Court has not been able to carry out this business, mainly because its primary function is that of a court of justice, while this was only as it were an addition afterwards made to its original plan; that is what your evidence comes to on that point, is it not?—Yes.

2422. Now suppose the Landed Estates Court were to get the assistance of the Office of Public Works in the way which seems to be contemplated by the section of the Act of Parliament, namely, that the Board of Works should come forward to make proposals, as it were, on the part of the tenantry, would not that go a long way in the direction you desire?—I would have no hope of it.

2423. Why would you have no hope of it?—Because I do not think that either the Landed Estates Court, or the Board of Works, have their heart in the work; they do not care about it; it is outside their normal function; the Board of Works is the State machine for making loans of money on reproductive improvements of one kind or another, while the Landed Estates Court is a court of justice. I do not think that either of them would take up, with interest, the policy of creating peasant proprietors, and, in order to further that, you should leave it to persons whose business it would be to carry it out.

2424. When you say the Landed Estates Court is a court of justice, that is a rather doubtful expression. Of course it is a court in which it is the duty to see justice done, and in that way it is in no respect disqualified from acting in this matter, but I rather understood you as meaning that it was a court of law in them for the administration of matters of this sort?—Yes, it is a court for legal sales, and not for the benefit of any particular class; its primary business is to sell to the highest bidder, whether he be a tenant or a member of the public. And I may add, if you will permit me to say so, that there must always be a certain hesitation in the acts of a body, every one of whose steps is subject to appeal; there is not an order which the Landed Estates Court makes which might not be brought to the House of Lords, and the knowledge of such a liability as that must always make them hesitate, and render their action cautious.

2425. And you are also aware that Mr. Vernon's Commission would be always responsible

Mr. Phibbs—continued.

vible to the House of Commons?—Yes, no doubt; but the House of Commons might deal with the matter in a very large way.

2426. Are not those appeals from the Landed Estates Court generally upon points of law, and very seldom upon the exercise of discretion at all?—Generally, but there have been several appeals upon questions of discretion.

2427. Then suppose there is an officer of the Board of Works whose duty it was to give full effect to the policy indicated in the Act of 1870, and who is liable to inform the Court, and to inform the tenants with whom he has been in previous communication, of the advantageous terms under which they can bid; and suppose the representative of the seller, or, I presume, the solicitor having the carriage of the sale, and some of the tenants themselves, being present, do you think the examiner would be quite incapable of exercising in the same degree the functions which in the case of the Commission would fall to the lot of highly-paid Commissioners?—Of course if you could suppose the Board of Works to carry out the matter with a heart, then you solve the question in the affirmative; but that I do not believe.

2428. Suppose the initiative of the Landed Estates Court were taken away from the Examiner, and were given on behalf of the tenants, and those interested with the tenants, to an officer of the Board of Works, in that way a great deal of the difficulties of the Landed Estates Court would be got rid of, would they not?—It is not altogether a matter of opinion about the Board of Works, because the Board of Works is a department of the Treasury, and every single act of the Board of Works is done under the control of the Treasury; the question is whether we can entertain the hope, if it is a desirable thing that this scheme should be encouraged by the State, that either of these two bodies, the Landed Estates Court and the Board of Works, could do it.

2429. Supposing these to be the halcyon days of the Board of Works, and there were a Commissioner appointed to represent the tenants desirous of buying, would not that almost solve the difficulty in the Landed Estates Court?—I would prefer the Commission in any case to the Landed Estates Court, because it would be taking away the anomalous position of the Board of Works.

2430. But never mind the Board of Works; I wish to get your opinion about the Landed Estates Court: have you not solved your doubts by that bold assumption?—To some extent; but it will always remain a question in my opinion, as a practical man, whether the thing can be worked out by the Landed Estates Court and the Board of Works.

2431. Do you think that if an energetic officer doing very much the work which Mr. O'Brien is doing at the Church Commission, were employed at the Board of Works without too tight a hand being held over him, and he appeared before the Examiner whenever these sales were going on, that would solve the difficulty to some extent?—To some extent it might.

2432. Supposing the Board of Works were about to be re-modelled, and even were to enjoy a direct representative in the House of Commons, would not that solve some of the difficulty in that direction too?—If you would make the

Mr. Phibbs—continued.

same persons who are on the Board of Works Commissioners for this purpose, you might remove the objection to some extent, but I should very much prefer Mr. Vernon's plan; there appears to be no objection to that, except the cost of the Commission.

2433. Supposing, besides the re-organisation of the Board of Works, and their being brought under direct responsibility in that way, there were added to it an officer to perform somewhat the same kind of duties as are now performed by Mr. O'Brien for the Church Temporalities Commission, would not that facilitate also very much the process; that is to say, supposing he goes down to the estates as Mr. O'Brien describes he does, and is in communication with the tenant when they come up to the Board, who would then be directly responsible to the House of Commons if they acted in too narrow and strict a spirit, would not that go a long way towards carrying out what you desire to see done by the new Commission or the old Commission continued?—Yes, it would to some extent, but there would still remain what appears to me to be one of the main objections to the present system, namely, the control of the Treasury over every item of expenditure; if you have a separate Commission, and entrust them say with funds, like the Church Funds, of which they would be the administrators, then they would be simply responsible to the House of Commons and to the public, and would no doubt be very narrowly watched; but they would not have to refer to the Treasury for every single act; for I think the Treasury seems to have acted in this respect in a very narrow and technical manner.

2434. You are aware that there is considerable expense connected with the keeping up of the Church Temporalities Commission at present, are you not?—Yes, I am aware of the expense, and I think that would be one disadvantage of this Commission.

2435. There would also be some risk of the cost of the transaction?—Yes, but I think both the risk and the expense should be faced.

2436. You would not, as I understand, be disposed to appoint such a commission with a view to giving abnormally good terms, either to the landlord as the seller, or to the tenant as the purchaser, but merely for the purpose of giving every facility for the two to come together, and ascertain what could be done under those circumstances; how much the tenant could afford to give fairly, and how much the State could afford to lend?—Precisely so.

2437. Looking altogether to the degree of facility which this Commission could afford as contrasted with the arrangements which we could make, either by the Landed Estates Court, or through the Board of Works?—Yes, by its singleness of purpose and independence of action.

2438. Supposing, for the moment that this very able body of Church Commissioners became the permanent Commissioners of Public Works, with a Parliamentary representative who could be brought to book if he were not quite liberal enough, would there be any difference in the success of the two operations?—I do not know what effect upon the present Church Commissioners, who have performed their duties so very ably, would be produced by endowing them with new duties.

2439. After all, this is rather a question of

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the persons of the Board of Works, of course not pointing to any individual in any disgraceable way, but you have a rooted distrust of the ability of the Board of Works in carrying out such operations?—I must confess that I have.

2440. If there were an energetic and able administrator at the Board of Works, would you be in favour of that?—No, I think his duties as administrator would very much fetter his carrying out these works; you have a thousand small fetters which routine and habit create, and which always have an immense action in the way of impeding if you are dealing with an old institution.

Chairman.

2441. Your distrust rather extends to the Treasury?—To the Treasury, certainly.

Mr. Panket.

2442. Even if there were a direct representative in the House of Commons of the Irish Board of Works, would your objection remain?—I have not considered those details.

Chairman.

2443. I presume that even if that Commission used Imperial funds, the Treasury would still require to have a control?—If you used Imperial funds, no doubt there would be that consequence, but Mr. Vernon's proposal I understood was to use the Church Funds, and to place them under the control of a Commission.

2444. You would then have the advantage of using the Irish Funds, which, of course, would not be subject to such a control?—Quite so.

Mr. Braen.

2445. You would make the Commission independent of any control by the Treasury?—Yes.

2446. Would you suggest any limitations to the operations of the Commission in the warrant by which it was constituted?—That is a matter of detail which I have not considered; the amount might be fixed, certainly, in order that it should not exceed a certain amount; I do not know how far that might be thought desirable.

2447. That is to say, a limit upon the amount of the funds which would be placed at the disposal of the Commission in case of loss, would that be the limit you speak of?—No, I do not think the Act of Parliament should contemplate less; I think the funds should be at the disposal of the Commission altogether; if you have a surplus of 4,000,000 £, they might be enabled to advance the entire of that, or such portion of it as Parliament might think fit.

2448. Would you be disposed to think that it would be necessary to have any control or any limitation put into the terms of the warrant which this Commission was to act under?—Do you mean control with respect to the amount?

2449. Or in any other way, first as regards the amount?—The Commission would be bound to furnish their accounts regularly; I presume there would be a strict audit of their accounts, and that there would be every security given in the way of supervision. When I say that they shall be relieved of the direct control of the Treasury, all I mean is, that every step of theirs should not be subject to be retarded, or, it might be, reversed, by order of the Treasury.

Mr. Braen—continued.

2450. I think your idea is, that the Commission should be a terminable one?—Yes, a terminable one of course, subject to its being prolonged by Parliament afterwards.

2451. I think I caught from you, that you mentioned the term of 20 years?—That was merely for example's sake. I did not fix that time as a matter upon which I had come to a conclusion.

2452. If the Commission were named to terminate in 20 years, and if at the expiration of that time it were found very great progress had not been made in the creation of a peasant proprietary, what would your view be; would it be to continue the Commission, or would you see that something more must be done?—It would depend entirely on the circumstances of the case, on the causes of failure, and so on.

2453. Did I understand you to say, in answer to the honourable Chairman, that you did not anticipate a very large result from any means which could be taken in the way of a creation of peasant proprietors?—I did say so, and I think so.

2454. So that although this Commission should be appointed, and should be continued for 20 years, you still think that no very great results will issue from its labours?—I think there will be nothing like what is expected in the way of the creation of absolute peasant proprietors, and therefore I am of opinion that that should be supplemented by creating tenancies in fee-farm, which I think might be created with much more ease for the reasons I have already stated.

2455. Do you think that in that direction very much more may be done?—Yes.

2456. That is because, I suppose, there does not exist a very large amount of funds in the hands of the tenantry to enable them to purchase?—That was not the reason which I gave, although that may be one reason; the reason I gave was this, that apart from land which goes through the Landed Estates Court, I do not see how, by voluntary agreement between the tenant for life and the yearly tenant, a fee-simple can be created under the 32nd section of the Act, for this reason: that the tenant for life sees no reason to induce him to sell for an investment which will not produce any larger or so large an income as the land itself.

2457. You would be glad to see perpetuity leases granted to tenants, would you not?—Yes; at fines, preserving the rent.

2458. Do you think it would be possible to obtain such an amount of fine at present when the rent was preserved, as to make it worth while to grant perpetuity leases?—I think the tenants would give very good fines indeed, so be relieved from their present precarious condition, and placed upon a footing of perpetuity.

2459. What would you say when you assert that they would give very good fines indeed?—I should say they would give five years' rent.

2460. Do you think that will be the general disposition among the holders of small farms?—I would make a distinction; I think they would give that amount where they felt themselves in danger, but there are many estates on which the tenants feel themselves perfectly safe, and in which I do not think they would go to any trouble or expense to free themselves from any danger. I am speaking of cases now in which the



Mr. Brown—continued.

the tenants find themselves to be in some sort of peril.

2461. I think we have it in evidence that the price which was given for the sales to tenants in the Landed Estates Court was something like 23 years' purchase?—So I observed in the evidence.

2462. I gather that you think a tenant would rather give five years' purchase as a fine, in addition to his present rent, than buy the fee at 23 years' purchase?—No; I am afraid I have not succeeded in conveying my meaning clearly. I think that a tenant would rather, if he were open to do so, buy the fee-simple out and out; but I am now speaking of cases where it is impossible to buy the fee, by reason of the land being in settlement, and therefore the fee not coming to be sold. I was speaking, not of sales in the Landed Estates Court, but of that portion of the Act which contemplates voluntary sales between landlord and tenant; the working of which is impeded by the settlements which exist in Ireland.

2463. Now, with regard to the leases in perpetuity which you would enable the Commission to grant; I suppose that would only apply to the residue which was not sold to the tenant, in the case of any estate which the Commission should buy?—I would leave the Commission perfectly unfettered in that respect; they might either grant fee farms of the whole, or what portion they pleased. I would leave them perfectly unfettered in all those respects; choosing able men, I would trust them.

2464. But naturally being a terminable commission they would be anxious to enter into transactions which could be brought to a close at the moment, and which would not be perpetual?—I do not think so, because they would have a long time to begin with; and then there will be nothing in the way to prevent the time being extended, if it was thought desirable.

2465. If I understand you rightly, you are inclined to think that the Commission would meet the views of the tenantry rather by giving perpetuity leases than by obliging them to purchase the fee?—I stated to the honourable Chairman, that I think so far as regards the sales in the Landed Estates Court, the Commission would act in two ways, that is to say, either by performing the function which the section in the Act of Parliament gives to the Board of Works of making proposals themselves, being the intermediaries between the seller and the tenantry, or else by buying the estates *ex alio*, and then selling them out and out to the tenants or granting fee-farms at rents; or in fact carrying out the State policy in the manner which seemed to them best. Then there is a third question, namely, with respect to private sales outside the Court, as to which I think the first of the operations I have stated, namely, the fee-farm grants are much more likely to take effect than sales of the fee; and in those cases the Commission would be empowered to advance money for the purpose of paying the fine where they thought it desirable.

2466. But confining the question to the sales in the Landed Estates Court and to cases in which the Commission would buy up the whole estate, do you think it is more likely that they would deal with the tenants by granting them

certainly.

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perpetuity leases or by selling the fee?—I think in the first instance they would try to sell the fee if they could; then failing that, they would try to grant perpetuity leases.

2467. That would be the alternative?—Yes.  
2468. This operation of granting perpetuity leases, I suppose, would be applied mainly to those tenants who were too poor to buy the fee?—I think so.

2469. Do you think that a tenant who was too poor to buy the fee would be in a sufficiently good position to pay an increased rent?—He might not have capital enough to buy the fee, and therefore he might be very well content to get a perpetuity lease by paying a slight increase upon the rent.

2470. At all events, it would be to the poorer class of tenants that that alternative would be put, that they must pay some rent and a fine?—It might be the result, but I do not know that I would say so entirely. A poor tenant might under certain circumstances, prefer to buy out and out, whereas a richer tenant might prefer to keep his capital to work his farm.

2471. The perpetuity leases would have a head rent reserved to the State, would they not?—Yes, they would be perpetuity leases, with a head rent reserved to the Commission, who will represent the State.

2472. That would be constituting the State the landlord of a considerable number of tenants if the scheme were successful?—Temporarily only, because it would be the duty of the Commission to sell these lands; and the State, if it adopted the function of landlord, would do so for a very short time. I would consider it a very undesirable state of things to have the State the landlord over a large portion of the country.

2473. Would you contemplate perpetuity leases being granted, and that the Commission should always sell the head rents?—Yes.

2474. And not constitute the State the landlord except for a temporary purpose?—I would not constitute the State the landlord, except for a temporary purpose.

2475. I gather that you would view with disfavour the State becoming the landlord of the country?—Yes; it would have this disadvantage amongst others, that in periods of discontent the people would turn upon the State who would be the landlord, and you would create evil relations between the State and the people; whereas what is desired is to create content and acquiescence.

2476. The fund in this case you would propose should be the fund of the disestablished Church?—Yes; it was proposed in 1863, and I regard it as a fund providentially available for the purpose.

Major Nolan.

2476\*. You think it very desirable to establish a large number of small proprietors, or a certain number of tenants, with a more considerable hold upon the soil than they at present possess?—I do most decidedly.

2477. For their social welfare?—Yes.

2478. And as tending to the maintenance of law and order?—Yes; I think every man so fixed on the soil would necessarily become a preserver of order.

2479. Do you think, viewing the state of things

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things in Ireland now, that the country has had an opportunity of developing itself naturally within the last 200 or 300 years?—No; I answered the honourable Chairman in the beginning of my evidence, by saying that the territorial conquest of the 17th century was the main evil, and the root of the discontent which has arisen since. It has been one of the causes, political and religious, which have operated ever since.

2487. That territorial conquest was, I believe, aggravated by the action of the penal laws?—Certainly it was; but the action of the penal laws has been a great deal removed. It was aggravated by the action of the penal laws in this way, that for over 100 years it was impossible for any person professing the religion of the people to obtain any interest in the soil. A 31 years' lease at a rack rent was the utmost tenure that could be granted in the reign of Queen Anne. Under George the Second that permission was extended to a 61 years' lease of unprofitable bog; that was the utmost interest they could have. It is just 100 years since the laws relating to land came to be relaxed in any way, namely, in 1778, when for the first time Catholics were enabled to take leases for 99 years; equality of rights of property being conceded in 1782.

2488. So that you consider that there have been causes at work in Ireland to prevent the development of small proprietors which have not been in action in England, at least down to so late a period?—Certainly not down to so late a period.

2489. In addition to that, do you consider that the law of settlement in England and Ireland is favourable to the establishment of a small proprietary?—It is very unfavourable certainly in Ireland, in my opinion; but I would prefer to abstain from giving any opinion as to the wisdom of the abolition of the law permitting land settlements, because that is hardly a point for me now to deal with; but it is plain that if the landlord owned in fee he would sell when he wanted money, and getting a higher price from the tenant than from anybody else, he would sell to them; whereas he cannot sell now.

2490. You think that if during the last 100 years proprietors could have sold their land as they can sell their cattle and other stock, there would be many more small proprietors than there are at present?—Yes, certainly.

2491. So that if we desire to establish small proprietors we have to make up for a certain amount of error under which we have kept down the number of small proprietors in Ireland hitherto?—Yes; that is what I wished to convey to the honourable Chairman; I think England can best pay her debt to Ireland in that way.

2492. You think that England should help in the establishment of small proprietors, if that can be done without inflicting loss on any other class?—And without inflicting injustice.

2493. Do you think it could be done without inflicting loss and injustice upon the landlords?—Certainly, I think it could be done without inflicting any loss or injustice upon anybody.

2494. You think the action of the Treasury upon the Board of Works unfavourable to the establishment of any system of this kind, as I understood you?—Yes.

2495. On the ground that their system of con-

Major Nolan—continued.

trol makes the line of action too rigid?—Yes; the system of perpetual and minute control.

2496. There are perpetual references to London, I suppose?—Yes; I do not suppose the Board could take a single step without reference to the Treasury.

Chairman.

2497. Are you aware that every single case of loan is sent to the Treasury for confirmation?—I understand so; that is what I am referring to when I say that the Board of Works is a mere agent, which cannot take a single step without the authority of the Treasury. Without wishing to make any disparaging remark upon the conduct of the gentlemen who conduct Treasury matters here, I think it may be said with truth that they know very little of the circumstances of Ireland.

Major Nolan.

2498. If the action of this Commission be really confined to the number of properties which now come into the Landed Estates Court, its action would be very slow, would it not?—I think so.

2499. Therefore if we wish to increase the number of small proprietors, it will be necessary, will it not, to extend the action of this Commission to other estates which do not now go through the Landed Estates Court?—Yes, in the way I mentioned; that is to say, in the way of facilitating the acquisition of free-farm perpetuities. I think, if I do not mistake, that Judge Longfield thought the same when Mr. Gladstone's Bill of 1870 was introduced. The proposal which Judge Longfield made was to enable the tenant who could not buy the fee to buy a tenancy from which he could not be evicted for a number of years, and at the end of that term of years the land to be subject to a revaluation. Speaking for myself, I should prefer perpetuity grants, if possible.

2500. Would you leave it open to the tenant to acquire the proprietorship of the soil if he could?—I would make the free-farm rent redeemable or not, as the tenant and the Commission might agree. The tenant might either purchase subject to a perpetual free-farm rent, or at a rent which could be turned into fee-simple by redeeming the rent.

2501. So that the proprietor, if he got on in the world, could always turn perpetuity into actual proprietorship of the fee?—Certainly, by redeeming the rent.

2502. You said that five years' purchase might be given for the perpetuity; what proportion of that do you think the State might advance?—Three-fourths, I think.

2503. So that it would practically be in the power of every tenant in the country to pay the five years' fine?—Yes.

Mr. Meldox.

2504. I think I understood you to state that there were causes in Ireland in the past which have prevented a peasant proprietary being created?—There were causes in the past.

2505. And you compared Ireland with foreign countries?—I compared Ireland with foreign countries. In England you are aware that the villeinage tenure developed into copyhold, and the copyholder became the representative of the villein

Mr. Meillon—continued.

villain tenants who thus became substantially owners in fee-farm. There were, I believe, but few actual small proprietors in fee-simple in England, with the exception of what were called the *statemen* in the North, of whom I cannot very well speak. But I was rather comparing Ireland with foreign countries in which there grew up a great number of small proprietors.

2509. I wish to ask you whether those causes were at work in Ireland which were not at work in other foreign countries where there has been a peasant proprietary created?—They were not at work in other foreign countries.

2510. Absenteeism, or owners of the soil residing out of the country, is also one reason why peasant proprietors are desirable, is it not?—Certainly; because if persons do not perform by their presence the functions of landlords, there is the greater reason why there should be a resident land-owning class created.

2511. That would make it a greater reason that there should be that class in Ireland than in those countries where the State has thought it advisable to foster such a class?—Quite so.

2512. And where it can be shown that the result has been successful?—I can only judge amongst other sources, from the Reports of Her Majesty's Ministers Abroad, and they seem to express in the strongest way their opinion that the result, on the whole, has been satisfactory.

2513. So far as you are aware there has been no failure in foreign countries?—I am not aware of it.

2514. Did I understand you to state that the Commission you have referred to should have power to make grants at fee-farm rents terminable at a certain period; that is to say, the fee-farm rent should last for, say, 30 or 35 years?—That would not be a fee-farm rent; a fee-farm rent is from its nature a perpetuity, but I think they might be made redeemable by the tenants either paying a further sum, or by converting the perpetual rent into a terminable payment.

2515. Does it occur to you that there would be any serious obstacle or difficulty in carrying out that system; that is to say, that the Commission should make a grant in fee, reserving a certain annuity for a number of years, and then to cease?—Yes; but that would be a terminable annuity for a grant in fee simple.

2516. Would you see any objection to that course being adopted?—I see none.

2517. It would prevent the State having to put its hand into its pockets and make a loan even to those persons?—Quite so. Speaking of the lands which the Commission had bought for themselves, that could be done; it is the same machinery as is now actually at work.

2518. This Commission that you would suggest, could either sell the lands right out, advancing any portion they thought fit on mortgage, or fee-farm grant, or else they could make a grant in fee simple redeemable by a terminable annuity for a certain number of years?—Yes. I would give it all those powers.

2519. As it occurs to you that it would be desirable to make leases, or fee-farm grants redeemable by annuities, do you think that could be carried out by the Landed Estates Court?—Yes, I think it might. I have not paid much attention to that branch of the subject; but I think, if I am not mistaken, it was proposed to give to the Landed Estates Court a leasing

Mr. Meillon—continued.

power, that is to say, that before sale they should make leases. I do not know that it was proposed to give them the power of leasing for more than a certain term of years, but if that power had been granted to the Landed Estates Court at the first, it might have obviated a great deal of misery and discontent.

2520. Assuming that the result of it would be to afford facilities further than exist at present, do you not think it would be very judicious to give the Landed Estates Court the power of making a fee-farm grant to tenants of the holding, or a grant in fee subject to the payment of an annuity for a number of years?—I think so. I think it would be a good thing to give them those powers. But you will observe they must exercise that power in every case, subject to the principle that the owner is not to lose, because that is the cardinal principle which has never been departed from.

2521. But we have heard that whenever tenants have been given facilities for buying in the Landed Estates Court, it has been at a price rather above the market value, in order to save the owner from loss; if that principle were applied for making these fee-farm grants, do you not think it could be carried out beneficially to the tenants?—I think it would be a very beneficial thing for the tenant. Whether that particular plan could be carried out so as to secure to the owner as high a price as if the land were sold out and out, I am not prepared to answer.

2522. Then the rent reserved by the leases would be larger by these means, and the whole estate if put up for sale would be purchased?—I understand your proposal perfectly, and it is a very wise purpose to effect through the Commission. If the Landed Estates Court could by dividing the purchase-money, taking so much from the tenant who would pay a fine for perpetuity, and then selling that rent, come to the conclusion that they would get upon the whole as high a price for the land as they would otherwise, I would think it a very beneficial thing for them to do.

2523. You could not form any opinion as to whether an arrangement of that kind could be carried out to the benefit or advantage of the owner?—I could not form an opinion upon that yet.

2524. At the same time if anything were to be done to facilitate the acquisition of holdings by tenants through the Landed Estates Court, do not you think that the course which I suggested could be adopted beneficially?—No doubt, but I think it would be better to ask some of the judges or officials of the Landed Estates Court about that matter, so as to see whether it would work in detail.

2525. Do you think the Commission which you suggest ought to have unlimited power of purchase; do not you think it would occur when it was generally known that the Commission were about to buy, that property might be put up against them?—I would propose to leave them entirely unlimited. If you have men fit to manage that Commission, I would leave them perfectly unlimited as to their discretion, because they would be subject to the control of Parliament, and they would not do the thing in a wasteful or extravagant way.

2526. If their power were unlimited they would have prices run up against them, whereas if there

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were a limit fixed that danger would not arise?  
—I would be very sorry to put any limitation in the Act.

2517. We have heard a great deal about sub-divisions and alienations by the farmers of their holdings; does that exist to any great degree in Ireland as far as your experience is concerned?  
—Certainly not. In answer to the honorable Chairman, I stated the course which certainly does take place in Clare. I have seen very little sub-division since I had the honour of presiding as judge of the county court, and I do not think it exists to a large extent.

2518. Setting aside the cases which you mentioned, is it not the fact that when tenants die, their farms go to some member of the family?—Yes; in fact, they generally go during the lifetime of the father in the manner I have described; he substitutes one of his sons for himself in his lifetime; it is not necessarily the eldest son by any means.

2519. The objection was made to the creation of small peasant proprietors that they would be constantly alienating; do you see any objection at all to their right of alienation?—I see no reason at all why they should not alienate.

2520. It is supposed that if the State lent money to the peasant proprietor all the while the mortgage was outstanding, he would not have any power of sub-division or alienation?—With regard to sub-division, I think it is wise to prevent it, because it would be inconvenient to have to look to half-a-dozen petty owners for the money, but I would put no fetter upon alienation.

2521. In the case of making leases in perpetuity, or fee-farm grants, would you see any objection to allowing power to alienate or sub-divide?—I would have no objection at all to alienation; with respect to sub-division there would be a very great difficulty in putting a fetter on sub-division if a man owned in fee farm, and owed no debt to the State. In that case, I think there would be such difficulty in imposing fetters on sub-division, that I would not be disposed to exact it, but only to impose that fetter in the case where there was money owing to the State.

Chairman.

2522. But suppose you sold a fee-farm rent, then I suppose the purchaser would have the same right as the landlord had of preventing sub-division?—A landlord has no right of preventing sub-division, unless there is a clause in the lease against it. If you have an estate in fee farm, you could not legally impose a fetter either upon alienation or sub-division as the law now stands.

2523. My impression was that there would be no bar to sub-division?—The law does not recognise the fetter in any dealing with an estate in fee-simple as this would be; if you have an estate in fee it is considered inconsistent with the nature of that estate to place any restriction on alienation.

2524. Is it not equivalent to a lease for ever?—It is a freehold for ever subject to a perpetual rent.

Mr. Meillon.

2525. Under the existing state of the law when a fee-farm grant is made, the whole of the clauses against sub-division and non-alienation fall to the ground?—They do.

Mr. Meillon—continued.

2526. And you would be disposed to leave the law as it stands?—Yes, I would see great difficulty in having a perpetual and inalienable restraint upon the sub-division of any man's property. I think it would be fair, if there be money due to the State, to say that he shall not sub-divide until the loan is redeemed.

2527. If a man is sufficiently prosperous to pay off to the State the money he owes, you do not see that his right of proprietorship should be interfered with?—I would leave him absolutely free.

Sir Joseph M'Kenna.

2528. I wish to ask you a few questions with a view of condensing your evidence upon the subject of the Commission recommended by Mr. Vernon; his plan was to create a commission to purchase land *à la carte*, and to sell it out to tenants, payable by instalments, or failing the dealing with tenants, to sell it as they best could?—So I understand by his evidence.

2529. There was another portion of his idea which I wish you to call to mind; he had it in view that before a property was bought, a negotiation should be entered into with the tenants by the Commission to ascertain what they would give; I am not now asking you your own opinion upon that, but I am asking you, do you bear that in mind?—Yes; he suggested that there should be an investigation.

2530. To ascertain what they would give?—Yes.

2531. He also said that if they did not find out that the tenants would deal, they would have nothing to say to it?—Yes.

2532. Have you read Mr. Murrough O'Brien's evidence as given before this Committee?—Yes, I have read it.

2533. Bearing upon that point, Mr. O'Brien's evidence as he gave it to us, was that there was no necessity to enter into an investigation with the tenants beforehand; that such a Commission as the Church Commission, which has had experience in the sale of land, could very well estimate what price they could give, and sell again at somewhat a profit, being able to sell the land with the facility of receiving payment spread over a number of years; that was Mr. O'Brien's opinion as supplementing and qualifying Mr. Vernon's; now I ask you the question, do you think that if such a commission was prepared by Mr. Vernon, if it were established they could ascertain beforehand sufficiently well the value of the land to enable them to deal as an independent purchaser without consulting any one?—I should think it would be wise in the discretion of the Commission to send down some person to make investigation on the spot as to the land and the position of the tenants, and their disposition to buy. I think as a practical matter I would leave the Commission perfectly free. As a matter of discretion, I think they would be likely to adopt that course.

2534. But you would not bind them to do that?—I would not bind them in any way; I think the best way of binding them is to get capable men.

2535. I think you told the Committee that the value of the estates sold in the Landed Estates Court in the year was about 800,000 £?—So I learn.

2536. That would represent about 400,000 £ a year?—Yes.

2537. The

Sir Joseph McKenna—continued.

2537. The annual value of agricultural and pastoral land in Ireland is somewhere about 12,000,000 *l.* a year?—That would be about the valuation, but you must add something to that to ascertain the rental.

2538. Taking 12,000,000 *l.* a year to represent the rental, if half the lands coming into the Landed Estates Court were bought by these new purchasers it would, according to my computation, take 150 years to buy up a quarter of the land and so vest it?—Precisely so; I did not make the figures the same way; but the result that I arrived at was that it would take about 400 years to buy up the whole of the land; that is to say, 100 years to buy up the fourth of it.

2539. Have you considered the proposition which was discussed here upon which some evidence was given for affording facilities to tenants to purchase the freeholds of their lands, subject to half the rent, and receiving facilities from the State to enable them to do that?—That is in substance a case of fee farm.

2540. But, as I understand you to say now, you would give a certain proportion to enable a man to purchase the freehold, and give a certain proportion from the State, or from the new Commission, to enable a man to purchase a lease in perpetuity at his present rent. Now, let me ask by what process would you ascertain how much you should advance under such circumstances?—I think that would be a question of valuation.

2541. Supposing the land is let, as most of the land in Ireland is let, above the valuation?—Yes; but when I refer to valuation, I should suggest the property being valued by a competent valuator, who would be able to say what he thought a tenant ought to pay for the turning of his present lease into fee farm. I think a man accustomed to dealing with land will be able to deal with that question without much difficulty.

2542. But I am now speaking of the advance you will expect the State, or any one else to make upon such security; what process would you suggest for the purpose of ascertaining that?—I think it ought to be ascertained in much the same way by the valuator.

Chairman.

2543. It would be a matter of bargain, would it not?—It would be a matter of bargain. You have the tenant and you have a competent person to act for the Commission, and he will say, "I think that this tenant ought to give so much for turning his present tenure into a perpetuity, and I think if he does agree to do it the State may very fairly advance him so much."

2544. Would you not insist upon his producing a portion of the money himself?—That may be so. The tenants would certainly make great efforts rather than be turned out of the soil.

2545. Would the security for that advance by the State come prior to the rent for the land?—Yes, it would; but as I understand I am asked whether the land would bear both.

2546. But if five years' purchase is given for the conversion of the tenure from a fee-farm rent to the fee for ever, would the interest on the five years' purchase stand prior to the rent to the landlord?—I would say so, certainly; but then, of course, in point of justice it should be considered that both ought to be secure.

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Sir Joseph McKenna.

2547. Now I understand your answer differently with that qualification; I was rather startled by receiving the impression that you would advance money to enable a man to purchase in perpetuity a lease at the rent which he was annually paying, that rent being equal to the valuation at which the land stood; but if your suggestion be that by arrangement with the vendor, who probably would be the proprietor in such a case, the interest to the State should come first, I have no objection to the suggestion that the whole of it should be advanced?—I never understood it in any other way than as the honourable Chairman has put it.

2548. Do you think there would be any danger to the inheritance in such a case as that, because what you are contemplating is the tenant for life agreeing with the tenant to convert the tenancy into a fee-farm rent payable for ever, on terms something like five years' purchase of the rental being given by the tenant, and that three-fourths of that should be advanced by the State, involving repayment to the State of the interest and principal; then the question is, whether the security for that should be prior to the rent?—That is precisely what I meant to convey; it should be always considered whether the land would bear both.

2549. You think there would be no danger to the inheritance; that the tenant for life and the Commission together might agree that that which was arranged would be a fair price to put upon the tenancy?—Quite so; it would be the duty of the Commission to see that the inheritance did not suffer.

2550. Then the payment of that would come in prior to the tenant's own interest?—Yes, it would.

2551. And it will be the duty of the Commission to see that they had sufficient security in their hands for the money advanced?—It would be.

Mr. Vernon.

2552. At present, with regard to the small class of tenants, there is no proving of their wills or administration of their assets; under the extended jurisdiction of the County Courts Bill, will there not be a tendency to litigation in the administration of the assets in the cases of these small fee-simple proprietors?—As regards the fee-simple property, as the law at present stands, the court of administration would have nothing to do with it; if the person makes no will, the estate goes to his eldest son as his heir; if he makes a will it is not, as far as regards the fee-simple tenure, subject to the jurisdiction of that court, though it may become so by citing the heir in a litigated case. But I do think that one of the changes in the law which should accompany any creation of small proprietors, would be put to the land in the same position as if it were a chattel, that is to say, to give the Court of Probate jurisdiction over it; there might in some cases be litigation, undoubtedly, but I do not think that it would be very excessive. I think that once will be taken in the main that the land should go to only one person. I think also the Court should have power, instead of parcelling out land between the several next of kin, to give it, say, to one son, he undertaking to pay off the proportions of his mother, brothers, and sisters.

2553. But suppose he is not able to do so?—

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He gets the land, and he would certainly make a great struggle to do so. When a tenant from year to year dies, the law is that the property becomes divisible among all his next of kin, but in practice it is not so.

2554. But a tenant from year to year cannot divide his farm; the landlord's intervention may prevent his doing so?—The landlord may say, if you subdivide the farm I will evict you, and in that way, of course, he has a hold over the tenant, which would not exist in the case of a proprietor of a fee simple. I own that there is that difference.

Chairman.

2555. I think, shortly after the Encumbered Estates Court was started, there was a scheme promoted by a private individual for creating a peasant proprietary, independently of State assistance?—Yes, Mr. Duffy; the present Sir Charles Gavan Duffy did originate the proposal, and there were associated with him a number of persons who tried to form a company for the purpose of purchasing lands in the Landed Estates Court and selling to the tenants. He wrote a very able pamphlet on the subject, and his lead was afterwards taken up by Mr. Vincent Scully, but the whole thing fell through, because, unfortunately, he got Mr. Sadlier for one of his coadjutors, and a very able man he was, but it was very soon clear that Mr. Sadlier desired to make profit out of the business, whereas Mr. Duffy

Chairman—continued.

desired simply to benefit the tenants. Any such private scheme would fail from the same cause, because naturally the purpose of the shareholders would be to benefit themselves and not the tenants.

2556. The profit they would expect would probably defeat the whole object of the scheme?—Yes, the profit they would endeavour to make would certainly defeat the whole object of the scheme.

2557. One of the advantages which I understand you to presume would arise from Mr. Vernon's scheme would be that a Commission so appointed would concentrate in itself the three functions which are now performed by the Landed Estates Court, the Board of Works, and the Treasury?—It would.

2558. The honourable Member for the University of Dublin has suggested that in lieu of the Commission a branch of the Board of Works should be appointed, being specially charged with this duty; that I understand would relieve the Landed Estates Court of its functions in this respect, but would still leave its functions distributed between the Board of Works and the Treasury?—Yes, it would still leave that minute Treasury control to which I have stated my objection.

2559. Whereas one of the advantages of Mr. Vernon's scheme is, that while the Treasury profit would be retained, the body would be relieved of the minute control of the Treasury?—Quite so.

Thursday, 21st March 1878.

## MEMBERS PRESENT:

Sir Walter Barttelot.  
Mr. Bruce.  
Mr. Fay.  
Mr. Shaw Lefevre.  
Sir John Leslie.  
Sir Joseph McKenna.

Mr. Melden.  
Major Nolan.  
Mr. Plunket.  
Colonel Taylor.  
Mr. Verner.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Major GUSTAVUS DALTON, called in, and Examined.

Chairman.

2560. You are Land Agent for the Marquis of Headfort, in respect of his large properties in Cavan and Meath, I believe?—I am.

2561. And you also exercise general superintendence over the property of Lady Lisgar, in county Cavan?—Yes.

2562. The properties of Lord Headfort in Cavan and Meath adjoin each other, do they not?—They do.

2563. Will you state to the Committee what is the size of those properties?—They are both very large properties; the Cavan property would be 8,000 or 8,500 acres, and the Headfort estate not quite so much, but equal in point of rental.

2564. The properties differ very much in character, do they not?—They differ very much; on the Cavan estate, which is in Ulster, the tenant-right custom prevails, whereas on the Meath estate, it does not exist.

2565. In Cavan, tenant right has been recognised by Lord Headfort, and has been invariably acted upon, I believe?—Yes; I have been 30 years agent for that property, and I find that tenant right has always existed there to the fullest extent; it has no limit.

2566. You permit the sale by the outgoing tenant to the incoming tenant of the tenant right?—Yes.

2567. Will you describe how the sale is permitted?—A tenant asks leave to sell, and leave is granted; sales by auction are not allowed, but if the tenant selects any respectable purchaser, leave is given to sell as a matter of course; in fact, I may say it is always given.

2568. Is the holding subject to re-valuation with reference to the rental?—Whenever a farm changes hands, or a tenant dies, it is re-valued.

2569. Then the tenants are permitted to sell, subject to a fair rent?—The tenants are permitted to sell, subject to a fair rent, and the purchaser knows that.

2570. Is the amount given for tenant right on those terms very large?—Yes, very large.

2571. What has the amount averaged in the case of the Cavan property?—The average upon the old rent would be fully 20 years' purchase; 0.51.

Chairman—continued.

the new rent is generally higher, the lands upon the Headfort estate are low let, and the new valuation generally rises about 10 per cent., in some cases more, and in some less.

2572. But even in respect of the new rent, the price paid for tenant right is very high?—It would be 10 per cent. higher, of course.

2573. It would be 18 years' purchase of the new rental?—It would be about that, I suppose.

2574. Can you give any instances of the value given for tenant right by an incoming tenant upon the Cavan property?—Yes, I have a return here, giving certain cases of sales.

2575. Will you read those cases?—The first case is that of Walter Tully, occupying 20 Irish acres, at a yearly rent at that time of 21 £; the amount he received for his tenant right was 300 £. The next case was that of Patrick Forrely, occupying about four Irish acres, at a yearly rent of 5 £. 4 s.; the amount he received for his tenant right was 120 £. The next case was that of Henry Gray, occupying 33 Irish acres, at a yearly rent of 37 £. 18 s. 10 d.; the amount paid for his tenant right was 875 £. These three sales took place in 1872. The next case is that of William Bowles, occupying six acres, at a yearly rent of 6 £. 18 s.; the amount paid for his tenant right was 133 £. The next case is James Hawthorn, occupying 18 Irish acres, at a yearly rent of 24 £; the amount paid for his tenant right was 500 £. Those two cases occurred in 1873. The next case is that of Hugh Waterson, occupying six Irish acres, at a yearly rent of 6 £. 17 s. 10 d.; the amount paid for his tenant right was 60 £. That was in 1874. The last case is that of John Porter, junior, occupying 68 Irish acres, at a yearly rent of 49 £. 3 s., and the amount paid for his tenant right was 1,300 £; that case occurred in 1875. The average price paid for the tenant right per Irish acre would be about 23 £ per acre of the old rent.

2576. What is the average size of the holdings upon the Cavan property?—The average size of the holdings upon the Cavan property, taking them altogether, is 20 acres, but Lord Headfort has a good deal of land in his own hands, and there

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Chairman—continued.

there are two or three large holdings; putting those out of the question, the average size would be a good deal less than 20 acres.

2571. What would be the average; would it be about 15 acres?—I should say it would be about 15 acres, but that is a mere guess.

2572. However, it would be considerably less than 20 acres?—Very much less than that.

2573. Now in the case of the Meath property, you told the Committee that the conditions were very different, and that no tenant right has been recognised there?—No tenant right has been recognised there, nor does it exist; I am sure of that.

2580. On the Meath property you do not allow the outgoing tenant to sell his tenant right to the incoming tenant?—No.

2581. What is the size of the holdings there, on the average?—I never struck an average there; but they are a great deal larger than on the Cavan estate; most of them are large grazing farms.

2582. Is a portion of that property also held by small tenants?—Yes, there is a portion of that property held by small tenants, but they are a very different set of tenantry compared with the tenantry upon the Cavan estate.

2583. In what respect do they differ?—They are not so thriving.

2584. How do you account for this difference?—It seems to me that the tenant right has something to do with it; it would appear to give the small farmer on the Cavan estate an interest in his holding which the other farmer had not.

2585. It has given a kind of security to the tenant in the one case, which the other does not enjoy?—Yes; in fact, the tenant has a property in his holding.

2586. How do you account for the very high price given for tenant right upon the Cavan estate?—It is rather difficult to account for that, except, perhaps, in this way, that there is really no other investment which the Irish peasant knows anything about, or cares anything about; if he invests his money in the bank he only gets from 1 to 1½ per cent. for it; and then his love is farming, he knows nothing about any other investment. That is one way for accounting for it. I do not know any other; it has always been rather a puzzle that tenant right should fetch such very high prices.

2587. Comparing the rental of the Meath property, which is let to small holders, with that of the Cavan property, is it about the same?—Relatively it is about the same, as I know from Messrs. Brassington and Gale's valuations.

2588. Therefore, although the rental is proportionately about the same in relation to the two properties upon the Cavan estate, the tenantry are prepared to give equal to 18 years' purchase for the tenant right; whereas in the Meath property the tenants have not been allowed to acquire any interest of that kind?—Quite so.

2589. I presume you would draw this inference from that, that if opportunities were given to the tenants to buy the fee of the land, they would avail themselves of them very freely, and give high prices?—I think so.

2590. Have you yourself been strongly in favour of affording facilities for the creation of a peasant proprietary in Ireland?—I have been very strongly of that opinion. I think it would

Chairman—continued.

be a most conservative measure, not using the word conservative in a political sense, but in giving them that which they have not got now, namely, an attachment to the constitution under which they live.

2591. And you would recommend it on economical and moral grounds?—Yes; but if the Committee will allow me to read a short extract from the Bishop of Lichfield's speech on the Irish Church, it would, I think, give a pertinent illustration of my view. He says, "In New Zealand the English, Scotch, and Irish live together on the best terms. The qualities of each class blend together to the improvement of all. No dispute as to tenant right can arise, because every tenant has the right of purchasing the land he holds at a fixed price. Under these circumstances the tenants, instead of being lazy and drunken, strain every nerve to become owners of the land they occupy. In this way it happens that the most irregular people of the Irish become steady and industrious, acquiring property, and losing all their wandering habits; and it becomes impossible to distinguish between the comparative vices of the Irish and Scotch elements." It seems to me to have had that effect wherever peasant proprietary has been established.

2592. Do you think that it has had that effect generally throughout Europe?—Yes, throughout Europe; it seems to me to be the one stable conservative element in Europe at present.

2593. And you think that it would be desirable to extend that stable element to Ireland as far as possible?—Yes, I really see no reason why it should not have the same effect there as it has elsewhere.

2594. You think the same good results would probably occur in Ireland also?—I do.

2595. Have you had an opportunity of reading the evidence given by Sir Frederick Hargreaves before this Committee?—Yes, I have seen it.

2596. And especially that part of it relating to the possible subdivision of small holdings?—Yes.

2597. Have you that same fear yourself of the possibility of subdivision occurring if small ownerships were increased in number?—No; of course it would take place in some cases, but I have found from my own experience, which is a tolerably long one now, that the wish for subdivision is dying out altogether upon the Headfort estates; the tendency is rather the other way.

2598. The tendency, at present, is rather towards the consolidation of holdings than of subdivision, is it not?—The tendency is towards acquisition, which is generally brought about by emigration.

2599. How do you account for this tendency for consolidation of farms of late years?—I think that the land hunger is pretty nearly at the root of all Irish dissatisfaction; the Irish people are always anxious to acquire land wherever they can.

2600. But in the case of the tenantry of the Headfort estate, the desire of each tenant is rather to increase his holding than to reduce it by subdivision?—Quite so.

2601. Then looking to that tendency which you have observed on the Headfort property, you do not think there would be much reason to be alarmed with regard to the prospect of a future subdivision of small holdings?—I do not.

2602. Has the great facility for emigration,



## Chairman—continued.

and the power for obtaining farms in the United States and Canada, to a great extent operated as a deterrent to subdivision?—Yes; before the famine, the tendency existed to a very great extent, but since then, the opening afforded in the Colonies, and in the United States, has exercised what I may call a centrifugal force upon the home population.

2603. And instead of subdividing the small holdings among the family, one of the sons remains the farm, and the others emigrate or adopt other employments?—That is what they try to do.

2604. There is no longer that intense desire to subdivide a farm among all the children that there formerly was?—There is nothing like it.

2605. Then you do not think that the fear of subdivision need operate as a deterrent to any scheme for assisting the creation of small owners?—No, I do not. Of course, it would take place in some cases, but in others the neighbouring tenant would buy the property of the man who was going away, and who wanted to sell, and in that way it would tend rather to increase the size of the small holdings, than otherwise.

2606. Therefore if there were some cases of subdivision there will be also some cases of consolidation?—Quite so.

2607. You think that one would about balance the other?—Yes.

2608. Would you be in favour of drawing a line below which you would think it wise that no encouragement should be given by the State to the creation of small owners?—I think that would be fatal to the measure, from a conservative point of view at all events, because it would create so much disaffection that I would rather do nothing.

2609. Do you think that it is equally important to encourage the existence of small owners, as of large owners, supposing they existed already as tenants?—Yes, where they exist as tenants; that is all that it is proposed to do; it is not proposed to create more small tenants than now exist, but simply to elevate in the social scale those who are now upon the land.

2610. That is to say, to elevate them from the position of tenants to that of owners?—Quite so; that is what I should like to do.

2611. And with a view to that object you think it would not be wise to exclude any particular class, on the ground of the size of their holding?—I think it would be impolitic and injurious to do so.

2612. Then may I take it that in your opinion so long as small tenants exist, and there are those small occupiers all over Ireland, it would be right on the part of the State to encourage the conversion of them into ownership by any legitimate means that are possible?—Entirely so.

2613. And that you would not draw any distinction between one class of tenant and another?—I would not, for the reasons I have stated.

2614. Do you think that there would be any danger to the State in the case of those small owners, in the collection of the interest, and the instalments of principal?—I do not think there would be any danger.

2615. Will you explain to the Committee why it is you think that there would be no danger in that respect?—The tenants pay their rent very 0.51.

## Chairman—continued.

well now as a general rule, and they would know that if they fell back in paying their interest, they would be sold up, and of that they have a great dread; they would not think it the slightest hardship to have to pay those instalments, in my opinion.

2616. Although the tenant purchasers would not think it a hardship to be called upon to pay these instalments, yet, do you think public opinion in Ireland would justify their being sold up by the State in the event of their being unable to pay?—I think it would; even now, if the rent is a fair one, as far as I know, no popular odium attaches to a landlord for enforcing payment.

2617. Supposing that a number of owners of this small class were created, do you think that there would be any great fear in the event of any general famine, such as occurred in 1848, of a failure in that large class of small owners to repay the interest and instalments of the capital?—I think the small owners would stand it better than any other class. I entered into that question after the famine with regard to Lord Dufferin's letters in the "Times"; he entered into a controversy with me in the "Daily News" about the matter, and if the Committee will allow me, I will read the statistics; it is a very short extract.

2618. How did the question arise then; was it with regard to the effect which tenant right had in Ulster upon the condition of those small tenants?—Exactly so.

2619. As showing that they passed through the crisis of the famine better than the small tenants in other parts of Ireland?—Yes; Lord Dufferin wanted to prove that they did not, but he made a mistake there, as these statistics will show.

2620. Will you very shortly read those statistics to the Committee?—Lord Dufferin had stated in a controversy with me in the "Daily News," arising out of his celebrated letters to the "Times," that notwithstanding tenant right in the north, the emigration from Ulster was in excess of that from Connaught, and as 23 to 27, when compared with all Ireland. To this I replied, "I turn to the statistics (from which we were both arguing), and I find that the total number of farms above one acre had decreased between 1841 and 1864 by 15.1 per cent. in Leinster; 29.9 per cent. in Munster; 22.6 per cent. in Connaught, and only by 14.2 per cent. in Ulster. So that other things being equal, though there is little difference between Leinster and Ulster, the emigration of occupiers from Munster was about two to one, and from Connaught three to two, as compared with Ulster. But other things are not equal; it is not fair to take Leinster into consideration at all, for there, owing to the nature of the soil, a good deal in the way of consolidation had been effected before the potato famine. It should be remembered that if the smallness of the holdings were the sole cause of the emigration of the occupiers, it ought to have been very nearly twice as great from Ulster, as the following figures taken from the statistics will prove: Leinster, area, 4,876,211 acres, number of holdings in 1841, 104,438; Munster, area, 6,086,996 acres, number of holdings 114,921; Ulster, area, 5,478,867 acres, number of holdings, 203,066; Connaught, area, 432,043 acres, holdings 120,698." Thus, accord-

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ing to Lord Dufferin's argument, emigration of farmers ought to have been at least two to one from Ulster as compared with Connaught, whereas the proportions are reversed. Again, Lord Dufferin states that the emigration from Ulster is as 23 to 27 compared with the other provinces; and, therefore, he argues, tenant right has nothing to do with it, but as he mixes here the emigration of the labourers with that of the farmers, he does not state the case quite fairly. I will, however, take it in that way, though it has only an indirect bearing on the argument, and what is the truth? The decennial census of 1861 (the last) tells us that the population of Ulster that year was 1,914,255, exceeding that of Leinster by 436,613, of Munster by 400,897, and of Connaught by 1,001,247, and yet with this enormous excess of population in Ulster, the proportion of its emigration to the total population is less than that of the other three provinces.

Mr. Plunket.

2621. Would you be good enough to say what was the exact argument to which you applied those figures?—I was arguing in favour of tenant right, and endeavouring to show that it had the tendency to make the tenants more prosperous; Lord Dufferin denied that, and said that emigration was the cause.

Chairman.

2622. Then you would draw this inference from these figures, that the existence of tenant right in Ulster enabled the small tenants to pass through the crisis of the famine better than the small tenants in other parts of Ireland?—I think it had a great deal to do with it.

Mr. Plunket.

2623. As I understand, your contention was that by reason of tenant right, or however it was, the small owners in Ulster were much better off than those in other parts of Ireland?—Yes, that they stood the famine better.

Chairman.

2624. You would draw this further inference, that if you increase the number of small ownerships in Ireland, then in the event of there being any crisis like that of the famine of 1848, the small owners would pass through it better than the small tenants unprotected by tenant right?—Yes, I think so, because they would have a greater stimulus for exertion upon their farms than the tenant righters had, and would be much better prepared to meet it.

Mr. Plunket.

2625. But your argument, as applied to this particular question which is before the Committee at present, assumes that the creation of small proprietors over the south and west and east of Ireland, would have the same effect as tenant right, whatever its history is, has had over Ulster?—It would have a tendency towards that.

2626. Allow me to repeat my question, as I understand your argument as applied to the particular question before the Committee, it is this, "Tenant right in the north made the small tenantry exceedingly prosperous, *ergo*, they came very well through the famine; I think small proprietorships would have the same effect, and

Mr. Plunket—continued.

if so, they would come better through a crisis," but you have not as yet supplied the link of showing that the creation of small proprietorships would have the same effect as tenant right has had in the north?—I think it was the stimulus of having a sort of ownership in the land which made them prepared before the famine came, and made them better able to stand the bad times.

Chairman.

2627. You look upon the tenant right in Ulster as giving the tenants a qualified ownership in the soil?—Yes.

2628. And to that extent, stimulating exertion and industry?—Precisely so.

2629. If you were to give the same stimulus through Ireland generally, by the creation of small ownerships, do you think the same result would follow?—I do.

2630. Therefore you do not concur with Sir Frederick Heygate, and other witnesses, that we need not be deterred by any fears of a result of this kind?—I do not; I might add, that I understood Sir Frederick Heygate to suggest that the limit ought to be determined by the ability of the farmer to keep a team.

2631. What is your view upon that point?—I do not think it is at all necessary to be able to keep a team; some do who would be better without it; I think that what they do now answers the purpose tolerably well. When holdings are very small, one farmer has one horse, and his neighbour has another, and they plough together, or they hire if they have no horse, and I am not without hopes that machinery will creep in among the small peasant proprietors; it has done so in France. In the department of the Bas Rhin, where the small proprietorships exist in the largest number, and where *la petite culture* has attained its greatest development, there is more machine culture than in any part of France; that is stated by Mr. Chiffre Leslie, in the Cobden papers.

2632. That result, I presume, is attained by the machinery being supplied by persons independent of the small owners, who let it out to them?—Yes; the small owners hire the machinery. That practice is now creeping in on the Headfort estate slowly, but still it is creeping in.

2633. What is the number of tenants on the Cavan estate?—About 500.

2634. I presume the greater number of their holdings are not of a size which would enable them to keep a team of horses?—A great many of them are not.

2635. And yet they are a prosperous class of tenants?—They are certainly above the average in prosperity of the tenantry throughout Ireland that I have seen.

2636. Did you observe creeping in amongst them a tendency to employ machinery more than formerly?—I have not observed it among the very small farmers as yet; it is only just beginning; but I know one estate on which it is creeping in among the small farmers; that is, on Lord Bath's estate; Mr. Vernon told me so.

2637. Are those holdings of the same nature as on Lord Headfort's property?—I do not know anything personally about the Bath estate; I merely know that fact from having heard of it from Mr. Vernon.

2638. Are

## Chairman—continued.

2638. Are there many tenants on Lord Headfort's property holding from one to five acres?—A good many.

2639. Are those to be looked at rather as labouring men than as small farmers?—Yes, they live chiefly by labour; now those are men whom I should like to fix upon the soil; I think it is one way of dealing with the most perplexing question of all perhaps, namely, the labourer question, and how to besee them.

2640. Will you state to the Committee your view on that point?—I think that the farmers cannot have them upon these small holdings; it costs too much to build a cottage, and moreover that is getting more expensive every year; they do not like to waste it on the roofs of their cabins; then, on the other hand, landlords cannot do it on a very large scale, except upon the land which they have in their hands; they are not rich enough; but if you give the labourer a property in his small allotment or holding, I think that he would be very likely to do it for himself, and I know instances in which they have done so. Where they have got a corner upon a bog, and are holding where they know they will not be disturbed, under Lord Headfort, they are beginning to improve their holdings very much by reclaiming the bog.

2641. Are they beginning to build cottages?—They are not beginning to build cottages so much as to improve those they have got.

2642. You think the best solution for the cottage difficulty in the case of the agricultural labourer is to facilitate those men becoming owners of small plots of ground?—As far as the creation of this proprietary went, it would be a solution of the question.

2643. Then you would think it desirable even to facilitate the small tenants of from one to five acres becoming owners of their holdings?—Yes.

2644. Looking upon them as the agricultural labourers of Ireland?—Yes; and I think that those men are more likely to keep up or increase the size of their holdings than those occupying holdings a little larger, because they would not depend altogether upon the size of their holdings for their living, and would make money faster than holders, say, of 10 acres.

2645. You think that if there were facilities in the way of such a class of persons becoming owners of land they would be more contented?—I do not think there can be any doubt about that.

2646. Have you considered the scheme which was laid by Mr. Vernon before this Committee?—I have read Mr. Vernon's evidence.

2647. What is your opinion upon that proposal?—I think his plan would work both for the advantage of the landlord and of the tenant. It would have a tendency, I think, to get the landlord a higher price for an estate which he wished to sell.

2648. By offering a certain market?—Yes, by offering a certain market. I know nothing practically from experience of the working of either the Church Commission or of the Landed Estates Court, but, merely judging from the evidence which I have read, I should say that it would be a great advantage to both parties.

2649. And as regards the tenant, to him you say it would be an advantage?—It would, because it would give him facilities of purchase which evidently he has not at present.

Q.51.

## Chairman—continued.

2650. Have you observed a great desire on the part of the tenantry to become owners of their holdings when there is a change in the ownership of the property upon which they hold?

—There is nothing they dread so much as a change of ownership of the property. I can give a very strong instance of this in the case of a property which was sold contiguous to Lord Headfort's a good many years ago. The tenants came in a body to a friend of mine, and asked him to buy the estate, saying that they would consent to a rise of 3s. in the rent, which was a considerable rise, for the rent was about 1 l. an acre. The tenants are very much afraid of the landlords who purchase under the Encumbered Estates Commission.

2651. The tenants are very much afraid of what are called speculating purchasers, are they not?—Of "hodgebbers," as they are called.

2652. Of men who purchase under the Landed Estates Court without any previous relation to the tenantry or the neighbourhood?—Quite so.

2653. It is at that point that the tenants are mainly anxious to become the owners of their holding?—Yes, no doubt, but they would also like to become tenant proprietors at any time.

2654. Do you think there would be any danger of loss in dealing with the residue under a scheme such as that proposed by Mr. Vernon?—I do not think there would be much residue to deal with. I think if the Commission were properly appointed, so as to doubt they would be, and took the preliminary steps which Mr. Vernon suggests, there would be hardly any residue. Of course the greater the number of tenants who purchased the less the danger of loss from the sale of residue.

2655. I presume that your experience of the very high price given for tenant right upon Lord Headfort's property, even subject to a fair rental, leads you to believe that the tenants would give a very high price for the fee?—If a tenant will give for a divided ownership in the soil, if I may call it so, from 18 to 20 years' purchase, I think it is a fair inference that he will give three or four years more to become proprietor.

2656. Some evidence has been given, or some questions have been put in this Committee, with respect to the necessity of striping the properties where properties have been very much subdivided amongst the tenants?—I think it would be a very good thing if the Commission were empowered to deal with that. I think it would be quite practicable when they first got hold of the estate.

2657. That is to say, the Commission might buy a lot in the aggregate in the Landed Estates Court, and then re-arrange it or "stripe" it, as it is called, and afterwards re-sell to the tenants?—I think that would be quite practicable.

2658. I presume that could only be done in the case of a purchase by a Commission?—I do not see how else it could be done.

2659. What are the advantages which would result from what is called "striping" an estate?—Straightening meadows; that is what I understand by striping.

2660. What are the advantages of that?—The chief advantage is that a field is much more easily laboured if the plough can run along the whole side of a straight fence, than if it is obliged to go in all directions.

2661. Then those separate small holdings might

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G. Dalton.  
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might be brought together, and each tenant could have his whole farm in one plot, is that your view?—That might be done too, but I would ask whether that comes under the head of "stripping"?

2662. I want to know what stripping is?—It is a phrase which does not exist in my part of the world, but that which you have described would be a very good thing to do in many instances.

2663. At all events such a Commission would have the power of dealing with the property before subdividing it among the tenants, and offering it to them for sale, would that be an advantage?—That would be a very great advantage.

2664. Do you see any difficulty in carrying out such a scheme as that proposed by Mr. Vernon?

—I do not see any difficulty in carrying out the scheme as he proposed it; it would all, of course, very much depend upon the men who worked it, and particularly upon the person who was sent down to deal with the tenants.

2665. Provided that men were selected competent for the work who were interested in making it a success, you think it would result in increasing the sales to tenants largely?—Very much so. As I understand it, the person sent down would tell the tenants that he had come down to know whether they would purchase their holdings or not, or he would ask them if they would give so many years' purchase for them, telling them, at the same time, that if the Commission could get it for less they would get the benefit; that, I believe, is Mr. Vernon's scheme. The Commission would not desire to make any money out of the estate; they would wish to acquire it with a sole view to the creation of tenant proprietors. It would be their interest to look after and to get the estate upon the best terms they could for the tenants; whereas, in the Encumbered Estates Court, the proper duty of that Commissioner, I take it, is to get the best terms he can for the landlord. I do not think he ought to look after the tenant at all.

2666. On the other hand, it would be the duty of this proposed Commission to buy the estate upon the best terms they can, and then to sell to the tenants at such a price as not to cause any loss by the transaction?—Quite so.

2667. But not to make any profit by the sale?—No.

2668. Under these circumstances you think that the tenants would be willing to buy?—The tenants would very soon understand that, and when they understood that, they would almost all buy upon every estate upon which they had the chance of buying.

2669. Do you think they would generally have the means of buying?—Not without assistance.

2670. They would buy subject to the facilities given by the State?—Subject to what is proposed, namely, an advance of three-fourths of the purchase-money. I think that is a fair proposal.

2671. Do you think there would be any danger in the State increasing the proportion advanced from two-thirds to three-fourths?—No.

2672. In all cases where three-fourths were advanced, would the tenant, in your opinion, be able to find the remainder?—I do not say that; but he would be able to borrow it, or get it, in many cases, from his own relatives, or from friends in America.

2673. You think he would be able, at all events, to produce the money?—I have no doubt about it.

Chairman—continued.

2674. Now, looking to the other side of the question, do you think that if such a Commission were established, there would be many cases in which landlords would wish to avail themselves of an opportunity of selling to their tenants on favourable terms?—Understanding your question to mean whether landlords would be induced to sell their estates to this Commission who would not otherwise do so, I would answer, that I do not think it would create a wish upon the landlords to sell where it does not exist at present.

2675. I rather wished to know whether you thought there would be cases in which the owners would avail themselves of that opportunity rather than pass their properties through the Landed Estates Court?—Yes, I think they would; of course they would go to the quarter where they thought they had the chance of getting the highest price.

2676. At all events, I understand you to say that, in your opinion, the residue would be small, and that there would be no great danger to such a Commission from loss arising from the resale of the residue?—If the residue were small, there would be no danger of loss; just in proportion to its smallness does the danger diminish. I do not think Mr. Vernon's plan proposes to supersede the Landed Estates Court, so that a landlord would always have the option of putting his estate up to auction there.

2677. The suggestion was, that the Commissioners should buy in the Landed Estates Court, or by arrangement with the landowner?—Quite so.

Mr. Plunket.

2678. Are the holdings as small on the estate which you manage in the county of Meath, as they are in the county of Cavan?—As a general rule, the holdings on the Meath property are very large.

2679. How much property is there on the estate in the county of Meath?—The rental of the Meath estate is over 10,000 £ a year.

2680. And how much of that do you suppose is paid by small tenants, holding, we will say, under 30 acres?—I could not say exactly, but the proportion paid by them is very small compared to what is paid by the others.

2681. How many of those small tenants, do you suppose, there are altogether on the property in the county Meath?—I never counted them, but by mere conjecture (putting the town of Kells and the town-parks out of the question), I should say there might be 30 or 40 altogether; that, however, is a mere guess.

2682. But in the county Cavan there are a very large number?—I think there are 500 tenants, perhaps a few more.

2683. Have you had much experience as a land agent, or as an owner, as regards any property except those two?—I have had experience on my sister, Lady Ligon's property.

2684. Where is that property situated?—That is in Cavan too.

2685. Is that also a tenant-right property?—It is.

2686. Besides those three properties, have you had much practical experience?—No, but I have been 20 years a land agent.

2687. Therefore, so far as your experience as a land agent goes, it is confined to about 30 tenants.

Mr. Plunket—continued.

tenants, who do not hold under the tenant-right custom?—As regards small holders, yes.

2688. Have you had much experience of selling properties in the Landed Estates Court?—None.

2689. You have not in any way, studied the operation of selling to tenants under the Landed Estates Court?—No, I know nothing of it, except from the evidence which has been given before this Committee.

2690. Nor of the action of the Board of Works in lending money?—Yes, I have had experience of that.

2691. In what way?—Lord Headfort has borrowed very largely from the Board of Works.

2692. But not for the purpose of these sales to tenants, of course?—No.

2693. Therefore you have had no experience of the way in which the Board of Works operates in its dealing with tenants who desire to purchase?—None.

2694. But as I understand, you consider that the landlords would be able, if Mr. Vernon's plan were successfully carried out, to sell their properties to considerable advantage?—They would be able to sell to advantage, certainly.

2695. Do you think that many landlords who would not otherwise sell, would be induced to sell in that way?—If that is the only inducement, I should say not, certainly.

2696. Do you think that the expectation of getting two or three more years' purchase for their property, would induce many landlords to come forward, and offer to sell to their tenants?—It certainly might induce some landlords to do so. Supposing they were encumbered, and in doubt whether they would sell or not, then the Commission might turn the scale.

2697. I suppose you would not be in favour of reducing, to any great extent, the landlord class in Ireland?—Certainly not.

2698. You see, of course, that it would be impossible to carry out Mr. Vernon's plan to any great extent, without doing that?—If, as is suggested by your question, it had the effect of inducing landlords to sell generally, it would be a very bad scheme indeed, but I do not think it would have that effect at all, except in cases where the landlord was in doubt whether he would sell or not, and was thinking of selling, but was deterred by the low price of the land market.

2699. Then to what extent would you be in favour of really carrying out the policy of making the tenant occupiers of Ireland the owners of their holdings?—That question I take to mean, how far would I wish to substitute for the present landlords of Ireland, a tenant proprietary. My answer to that, I think, would be, that where a landlord was a bad one, and did not look after his estate, there I consider it would be better in the hands of peasant proprietors, but where he was a good one, I would rather he remained.

2700. I believe there are over 500,000 holdings in Ireland?—Those are the statistics which have been quoted all through, and I assume they are correct.

2701. To what extent, in round numbers, would you like to see the process carried of converting these tenant occupiers into landowners, thereby getting rid of their relations to their landlords?—I really never considered to what extent I should like to go. My view would be simply this, that wherever the landlord was induced,

Mr. Plunket—continued.

from not being able to deal with his estate, or not liking Ireland, not having his heart in his work, as a landed proprietor should have, to part with his estate, in that case this Commission would give him an opportunity of parting with it, and would substitute a tenant proprietary for the landlord; but I should only like it to go as far as that.

2702. Do you consider that the number of landlords who would be brought into the Landed Estates Court voluntarily to sell their properties, with all the advantages offered, or assumed to be offered by Mr. Vernon's scheme, would considerably exceed the number which come in at present?—I do not think it would, as I have stated already.

2703. But be that additional number few or many, would you like to stimulate the sales of properties in Ireland beyond that?—No.

2704. Then if it were possible without this Commission to make the purchase of their holdings by the tenants easy in the case of every estate which would naturally come into the Landed Estates Court, that is to say, all those that come in at present and a few more, although you think there would not be many more, is that as far as you would wish to go in that policy?—Yes, that is all I want.

2705. Then all you want to do is, that with regard to the estates which come into the Landed Estates Court at present, and a few more, there should be greater facilities given to the tenants to purchase?—I would give all possible facility to every landlord to sell who was encumbered, and who could not do justice to his estate.

Chairman.

2706. By introducing the word "encumbered" you introduce a very large body of people, do you not?—I do not mean family encumbrances; I refer to landlords in embarrassed circumstances, and who could not pay their way or fulfil their duties as landlords.

Mr. Plunket.

2707. So far as your knowledge of the country goes, do you believe that that would add a considerable per-centage to the number of sellers in the Landed Estates Court?—No; it would certainly have added a considerable per-centage a generation ago, but I think the case is very different now.

2708. But what per-centage would you expect to add by such additional inducements?—It is impossible for me to answer that question.

2709. I do not expect an exact answer, but in round numbers, as near as you could go?—I really do not like putting it in figures, because it is such a mere conjecture, but the addition would be small.

2710. Then, as I understand you, you would only be disposed to carry the policy of this conversion of Irish tenant occupiers into proprietors within the limits of those estates which are now sold in the Landed Estates Court, and a few more?—Yes. I should not object to see gradually a tenant proprietary created here and there throughout Ireland, as occasion arose, from the sale of landlords' estates; I do not think that that would go as far as you anticipate in the way of getting rid of landlords, nor would I wish it.

Major  
G. Dalton.  
31 March  
1873.

Major  
G. Duffin.  
21 March  
1873.

Mr. Parnell—continued.

2711. I would ask you how far you would wish to see it go in the interests of the country; would you wish to see any considerable addition to the number of those landlords who are selling their estates now upon the supposition that their tenants became the proprietors?—I would like to see a great extension certainly of tenant proprietors throughout Ireland, but I think it would only take place in those instances; I do not think it would take place on the estates of good and improving landlords.

2712. When there comes a series of bad years on the properties which you have to deal with, have you not found the tenants unable to pay their rent; have not the rents gone into arrears?—I was appointed agent since the famine occurred; of course they got into arrears before, but since I have been appointed there were two or three bad years, and nevertheless they paid the rents.

2713. But I suppose you are aware that there has not been that fortunate state of affairs upon a great many properties?—I know that; I only speak as from my own experience.

2714. You have had yourself, therefore, no experience of being confronted with a tenantry who were unable to pay their rents?—No, I have had none, but my general impression is that upon the whole, since the famine, the rents of Ireland have been remarkably well paid.

Chairman.

2715. Notwithstanding here and there a bad year?—Notwithstanding bad years.

Mr. Parnell.

2716. But supposing this state of affairs arose: the tenants being, in relation to the State, under an obligation to pay a considerable sum annually as instalments on their loans, and supposing several bad harvests successively were to make these unable to pay their instalments, and then that the State took proceedings to eject them from the lands, do you mean to say that that would not create a considerable outcry and discontent among the people?—It is hard to legislate against a famine. In a case of that kind if the State dealt leniently with them, and enforced punctual repayment, there would be a certain amount of odium, but not the same amount of odium as would attach to a landlord enforcing payment of rent.

2717. And why not?—Because those rents had been fixed by themselves, and under them they had enjoyed the advantages of proprietorship, and they would then know that they were only just in the predicament that a landlord would be in, who from unfortunate circumstances of one kind or another was obliged to part with his estate. Besides that, they would be able to sell those holdings if it came to that, and so far they would be in a much better position than a tenant who was not a proprietor, and they would know that.

2718. Do you mean to say that the process of eviction, should it become necessary, would be less unpopular in the case of the action of the Imperial Government, than it would be in the case of the action of a landlord; I am not speaking of an eviction where a landlord has raised the rent upon the tenants, but of an ordinary case of the rent falling into arrears without being raised at all; that is to say, an eviction for non-payment of rent?—I think it would, for the reasons I have

Mr. Parnell—continued.

stated; they would know that they stood in a better position through the action of the Legislature than those who were afflicted by the same famine.

2719. Are you not aware that, as a matter of fact, private owners have very often to forgive their tenantry their rent, I do not mean to say in your fortunate part of the country, but in poorer places?—Yes, I understand they have to do so.

2720. Supposing these tenant proprietors were dealing with the State, which could not forgive them their rent, would not that create discontent?—Of course the men who were sold up would be discontented, but as regards popular feeling, I think that popular feeling would not be so excited against the State for doing what it would be seen they could hardly help doing, as it would in the case of landlords taking proceedings against their tenants, or anything like it.

Sir Joseph McKenna.

2721. Do I understand you to say that, if of the 600,000 existing tenant occupiers of farms a proportion, say one-fourth, became proprietors, you think it would be an advantage?—I do not fix any proportion, all I say is this, that if an estate is to be sold, from the inability or unwillingness of the landlord to retain it, it is better that upon that estate a tenant proprietorship should be created, and it would be a good opportunity for creating it.

2722. Now I wish to ask you a few questions bearing upon the answers which you have given to the honourable Member for the University of Dublin: do you think it possible, owing to the appearance of a new investor, such as this proposed Commission would be, that some of the proprietors who are now quiescent would be induced to sell?—If a landlord were hesitating about selling, because he did not think he could get two or three years' purchase within what he wanted to get, and if this Commission afforded him this opportunity, that would turn the scale there.

2723. Now following up that question, I wish to draw your attention to this point. Mr. Vernon's scheme, you are aware, proposed that the Church fund of 6,000,000 £ should be the fund upon which this operation should be carried on. Now is it not the fact that that whole 6,000,000 £, if applied at once or as speedily as you could apply the capital, would, out of the entire land of Ireland, which now yields a rental of some 13,000,000 £ to 14,000,000 £ annually, only purchase from 250,000 £ to 300,000 £ a year?—Clearly.

2724. After that 6,000,000 £ had been exhausted there could be no further purchase except out of returning instalments?—Quite so.

2725. Then if the whole 6,000,000 £ were applied in this way it could only revolutionise or change the proprietary by a very slow process as compared with the bulk of the proprietors of Ireland; is not that the fact?—Evidently.

2726. So that under any circumstances the fear that this 6,000,000 £ could operate as a revolutionary measure, viewed as a whole, must be illusory?—Yes, I think so.

Mr. Bruen.

2727. Have you had occasion to carry out ejectments for non-payment of rent upon any of the properties which you manage where tenant-right

*Mr. Bruce*—continued.

right does not exist?—Strange to say, I have not, because the rents have been so punctually paid.

2728. That, I think, refers to the estates of Lord Handfort in the county of Meath?—Yes, it does.

2729. Those are the only estates which you manage upon which tenant right does not exist, I believe?—The only estates I have to do with are Lord Handfort's in Meath and Cavan, and my sister's in Cavan, but they are very large estates.

2730. Am I right in supposing that the only estate which you manage upon which tenant right does not exist is the estate of Lord Handfort in Meath?—Yes.

2731. And is the character of that estate generally the rich grazing description which we know is the characteristic of the Meath land as a rule?—It is some of the best grazing land in Ireland.

2732. I dare say you have heard of the alternative proposal which was made with regard to granting perpetuity tenures?—I only heard of that yesterday; I merely saw the evidence in the "*Freeman's Journal*," where it was very shortly reported. I have not considered it sufficiently to pronounce an opinion upon the matter.

2733. Where estates are sold, do you think the tenants ought to have an absolute right of pre-emption, or would you allow the general public to have a chance of bidding for those estates?—I would leave that to the option of the landlord.

*Sir John Leslie*.

2734. With regard to one of your observations concerning the famine, I would beg to ask you this question: was not subdivision the principal cause of the great poverty which ensued from the failure of the potato crop during the years from 1846 to 1848?—Yes, I have no doubt that that was one of the causes.

2735. The smallness of the size of those subdivisions would naturally increase the poverty when only the potato was grown?—But I should not advocate the creation of a tenant proprietary if the circumstances were the same as they were before the famine.

2736. I did not ask you precisely that question, I was merely taking advantage of your experience in reference to that particular fact, namely, that the smallness of the size of those subdivisions naturally increased the poverty which occurred after the potato failure?—It did when the whole social system was based upon the potato.

2737. It was your opinion that the existence of the system of tenant-right in Ulster was the principal cause of the tenants standing the famine better in Ulster than in the other provinces of Ireland?—It certainly was one very great cause, in my opinion.

2738. But it would be necessary to know, I fancy, the relative amount of assistance brought to bear upon the circumstances of the tenant by the proprietors of the soil in the different provinces?—Of course, if it is the case that the prosperity of the tenantry of Ulster is owing to landlords having made all the tenants' improvements for them, that would be so, but I am not aware that that was so.

2739. Is it not the fact that a great number were saved from the poorhouse by what was

*Sir John Leslie*—continued.

done for them under the circumstances by the landlords; that is to say, that when the tenants broke down, as you may describe it, and there was no alternative apparently but the poorhouse, did not the landlords, in a vast number of cases, provide for those tenants in another way, namely, by taking measures to find them an existence elsewhere under favourable circumstances, especially if it was their wish, by paying their passage to America, and other means of that sort?—Will you permit me to ask whether you are referring to Ulster, or to Ireland as a whole?

2740. I am comparing Ulster with other provinces, you entertaining the belief that in Ulster it was tenant-right principally which placed the tenants in a better position, under the circumstances of the famine, than the tenants elsewhere?—My argument was, that though the population of Ulster was greater, and the holdings smaller than in any other part of Ireland, the emigration from it was considerably less in proportion to the population than from other parts of Ireland.

2741. Then with regard to the limitation of the size of holding which assistance might be given to purchase, you are in favour, as I understand, of holdings of from one to five acres; in fact, the smallest allotments being converted into freeholds?—Whatever the size of the holding was I would give the tenant the power of purchasing the ownership.

2742. In those cases of holdings of from one to five acres the proprietors would be labourers at the same time as they were proprietors of their holdings?—Yes, most of them would be labourers; they would eke out their living by labour, and work upon their holdings too.

2743. Then the price of labour is considerably higher than it used to be, and always rising with regard to agriculture, is it not?—The tendency of wages is to rise, certainly.

2744. The question appears to be whether the same man would not be in a better position, instead of investing the capital, which he would have with difficulty to collect, in order to purchase a small holding of five acres, by relying entirely upon his labour, and so earning better wages?—I regarded the question in connection with the housing of labour which is not likely to be provided for otherwise, as far as I can see, because the landlord cannot afford upon a large estate to pay from 80*l.* to 100*l.* for a cottage, and the farmer cannot afford to do it; therefore the labourer must to a certain extent do it himself or go unroofed, whereas this proposal gives him an opportunity of purchasing his small holding, on which he will build his house himself.

*Mr. Fernald*.

2745. In those cases of small holdings of an acre or two which you have mentioned, I would ask you, how would the case be if a man died and left charges for his younger children on such a holding?—I do not think he is likely to do that upon a holding of one acre.

2746. But still such a case might arise?—He would be a very foolish man if he did.

2747. But everybody in Ireland is not wise, and especially with regard to a question of land; how would you meet a case like that; would not that tend to those small holdings being sold?—Yes, of course; if those encumbrances are a legal claim

*Major G. D'Alton*.  
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21 March  
1870.

Major  
G. Dalton.  
21 March  
1878.

Mr. Vernon—continued.

claim upon one acre it must be sold, and they must be satisfied as far as the produce of the sale would go, but then his neighbour would buy it in all probability.

2748. If it were not sold it might be subdivided among the family?—I think it impossible that many cases of that kind could arise.

Mr. Foy.

2749. You have stated that a widespread disposition prevails among the tenantry to buy their farms when they have the opportunity?—I am sure they would buy if they got the opportunity.

2750. Is it your experience that in county Cavan the relations are pretty good as between landlord and tenant?—Yes.

2751. And notwithstanding that, that feeling does prevail largely in the county?—The reason I state that is, that whenever they have got an opportunity of buying the tenant-right of a farm they grasp at it, and pay exorbitantly for it.

2752. Now, with regard to tenant-right, you have stated that tenant-right prevails upon the Headfort Estate and upon the Linger Estate; does that right extend to free sale, that is to say, without the purchaser being approved of by the landlord?—No.

2753. Therefore it only amounts to this limited right; that is to say, the purchaser must be approved of by the agent?—Yes.

Chairman.

2754. Lord Headfort, or his agent, does not object, except upon what they consider a valid ground?—I do not think that we could object; it must be a reasonable objection.

Mr. Foy.

2755. But notwithstanding that, to a certain extent, limited nature of the tenant-right it brings as a rule how many years purchase?—It brings as a rule 18 years' purchase upon the improved rent.

2756. Then that 18 years' purchase is the legal capital of the tenant; do you take that to be so?—Very often it is not; he often borrows a good portion of it.

2757. It is, at all events, the capital of the selling tenant?—It is what he takes away.

2758. I think you used the expression that, "the creation of a tenant proprietary would be the creation of a conservative holy in the country;" that means conservative in a national sense, I presume?—Yes.

2759. Is it not rather illogical on your part to say that you would limit the creation of such a conservative proprietary?—I did not say that I would limit it; what I meant was, that I would leave that to natural economical laws; but I do not think that those laws would act to the extent that the honourable member for the University of Dublin seemed to apprehend in the direction of superseding the landlords altogether, that seemed to be the drift of his question. Besides the landlords are a conservative element.

2760. Would you prefer to retain landlordism to creating conservatism in the country?—I should like there to be both landlords and tenant proprietors.

Chairman.

2761. That is to say, you would like a large infusion of small owners in addition to the large ones?—I would like both large and small ones.

Mr. Foy.

2762. You approve generally, as I understand, of Mr. Vernon's scheme?—I do.

2763. Do you think that that scheme if carried out would have any practical effect?—I do; a very great effect as compared with the sales to tenants in the Landed Estates Court. I can only speak from what I have read; I have not had any practical experience of sales under the Landed Estates Court, or of the operations of the Board of Works under the Bright's clauses, but the returns of the sales by the Landed Estates Court and the Church Temporalities Commission, speak for themselves.

2764. But looking at the number of sales, and the extent of the property sold in the Landed Estates Court, do you think Mr. Vernon's scheme if carried out would have any appreciable effect in the next two centuries in increasing the number of tenant proprietors?—It might turn the balance in one or two cases where the landlord was hesitating whether he should sell or not; if he saw that he could get an enhanced price he might be decided to sell, but I think the cases would be very few of that kind.

2765. Is it not the case that most of the land of the country is tied up in life estates and settlements, and would not that always stand in the way of anything like a large dealing with property?—I should say it would, but I am not prepared to give evidence on the effect of the laws of inheritance.

2766. But in your experience as land agent, magistrate, and clerk of the peace, would you not think it desirable that facilities should be given for the sale of estates in order to create a peasant proprietary?—Provided the interest of the encumbrancers were properly guarded, which of course they would be.

2767. The honourable Member for the county of Armagh called attention to the fact that awkward charges might be created by testators; do you not think that in the case of very small properties it would be desirable that any charges put upon the farm should be realized by the sale of the entire farm; would you not be disposed in some such way to put a limit to the possibility of sub-division?—I do not see my way to doing that.

Chairman.

2768. Are you aware what is the total number of sales now effected by the Landed Estates Court on an average of years, under the Bright's clauses of the Act?—I think they have only sold 400 properties.

2769. The Landed Estates Court have sold about 600 in the course of six years, therefore giving an average of about 100 a year; now do you think that that is at all a satisfactory result?—No, that is next to no result at all.

2770. Do you think that likely to lead to disappointment?—I think it has led to disappointment.

2771. And you think by adopting a scheme, such as Mr. Vernon's, there would be a substantial result in every year?—I am sure the working of his scheme would act in the direction of creating a tenant proprietary. I do not mean to say it would largely increase the number of estates sold.

2772. But with respect to the estates sold, it would very greatly increase the number of tenants who were able to buy?—There is no doubt about that, I think.

2773. Yes



*Chairman*—continued.

2773. You have been asked in regard to the total number of holdings in Ireland, and I think you stated it was about 600,000?—Yes, it is 600,000, from the statistics.

2774. Would you be much alarmed if a certain proportion, say a sixth, or fifth of them, were owners instead of tenants?—Certainly not.

2775. Is that the kind of infusion of tenant proprietors which you would think might be advantageous?—I should not be alarmed if they all, that is the whole fifth or sixth part, became proprietors, provided it did not lead to a great displacement of good landlords, which I do not anticipate.

2776. You think that side by side with the large ownerships and large landlords, there might be the growth of a numerous small proprietary?—Quite so.

2777. And that might be encouraged from year to year by a process such as Mr. Vernon has suggested; not brought into existence all at once, but gradually, by a natural process arising in respect of properties which come up for sale in the ordinary course of business?—I quite think so.

Mr. R. DENNY ULLIN, called in; and Examined.

*Chairman*.

2783. I BELIEVE you are a Barrister of the English Bar?—I am.

2784. For many years, I think, you were one of the examiners in the Landed Estates Court in Ireland?—I was one of three examiners; the number has been now reduced to two. I retired lately.

2785. In 1866 the third judge was reduced?—Yes, in 1866 the third judge was reduced, and after his business had been wound up I was allowed to retire, at my own request.

2786. When did you retire?—I retired in the month of June 1874.

2787. While you were examiner in the Landed Estates Court you were charged, I presume, with the same duties as Mr. McDonnell and Mr. Dobbs?—I performed the same duties for many years.

2788. You settled the rentals in a very large number of cases, I believe?—I settled a large number of rentals, probably about 1,000.

2789. While you filled that position, were you consulted by the then Attorney General with regard to the arrangements which have been made for the Bright's clauses?—I was in correspondence with the then Attorney General about the time of the passing of the Irish Land Act.

2790. I believe you have made a study of the Irish Land Act of 1870, and have written upon the subject?—I have studied it completely. I went into every part of it; but my correspondence with the Attorney General was not upon Part I of the Act, but exclusively upon Parts 2 and 3.

2791. With the view of preparing draft rules and forms under Part 2 of the Act?—Yes.

2792. And especially with regard to the machinery for the purpose of facilitating the purchase by tenants of their holdings?—It was so.

2793. That part of the Bill, I think, has 0.51.

*Mr. Phelan*.

2778. But you see at once that it would be impossible that all those 600,000 should become proprietors without displacing all the landlords?—Quite so, and, therefore, I do not think it likely to occur; but as far as it could be done without displacing the good landlords, I should be in favour of it, that is as far as a fifth or sixth of the 600,000.

*Sir Joseph McKenna*.

2779. Mr. Vernon's scheme would only displace, if it were carried out at once, 300,000 l. a year out of 14,000,000 l. a year?—I must assume your figures to be correct.

*Chairman*.

2780. On the whole, you think it would be a very slow process?—Quite so.

2781. And you see no danger if that were carried out?—Not the slightest.

*Mr. Vernon*.

2782. There would be no practical danger of a great mass of landlords being swept away by any scheme that is likely to be put forward?—I think certainly not by this one, on account of the slowness of its operation.

*Chairman*—continued.

proved almost to be a total failure?—Part 2 appears to have been almost a total failure. By the official evidence which has been given before this Committee, it appears that only about 40 cases have been worked through under it.

2794. Did you prepare rules in respect of that part of the Act at the suggestion of the Attorney General?—I prepared a set of rules; and inasmuch as the Irish Land Act directed the preparation of a schedule of costs, I also prepared a schedule of costs for proceedings under Part 2. The points to which my attention was specially directed arose under Section 41, and I will just read a portion of it to make the matter clear. "The Privy Council in Ireland may from time to time make, and when made may rescind, amend, or add to, rules with respect to the following matters: (1.) The proceedings to be had under this part of this Act; (2.) The circulation of forms and directions as to the mode in which this part of this Act is to be carried into execution; (3.) The scale of costs and fees to be charged in carrying this part of this Act into execution." In pursuance of that, I was requested to prepare, privately, a set of directions or forms, and a scale of costs and fees.

2795. Were those rules and the scale of costs afterwards submitted to the Privy Council?—The rules and forms, and scale of costs, were submitted to the Privy Council; the rules were considerably altered, as I thought much for the worse, and the scale of costs was knocked out altogether, and never appeared.

2796. Then the scale of costs in respect of sales under this part of the Act was left under the scale of costs previously adopted by the Landed Estates Court?—As the rules finally emerged from the Privy Council, Rule 13 directed that the costs should be according to the schedule of fees for the time being of the Court.

2797. In what respect had you suggested any amendment

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G. Dalton.  
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Mr.  
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R. Drury

Usher.

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Chairman—continued.

Chairman.

amendment in the scale of costs?—My suggestion, to state it in the briefest manner, was, that there should be a low scale of costs for very small purchases, an intermediate scale for larger purchases, and only when the purchase-money was more than 500*l.* that the regular scale should be followed.

2798. Had you previously, when Examiner of the Court, proposed a lower scale of costs in respect of small purchases?—I had frequently proposed that, but the proposition was never entertained.

2799. In your opinion was the scale of costs unsuitable for small purchases?—In my opinion the success or failure of Part 2 of the Act was a question of expense, and therefore the costs became an essential feature in it.

2800. What was the general effect of your proposal; to what extent did you propose on the average to lower the costs in respect of transactions of this nature?—I believe that if the schedule of costs had been accepted, the expenses would have been reduced about one-half in small transactions.

2801. Can you lay before the Committee a table showing the comparative costs which are now allowed, and the costs which you suggested?—The costs which are now allowed are the regular scale of costs of the Landed Estates Court. Evidence was given before this Committee on a previous occasion that there have been very few taxations upon such costs; in fact, there have been only a small number of cases, about 40, under the second part of the Act, and that there have been very few taxations of the costs in those cases. I beg to hand in a copy of the schedule of costs which I proposed. (*The same was handed in.*)

2802. The costs are professional costs in those cases, that is to say, costs as between attorney and client?—Yes.

2803. In your opinion, looking at the entire transaction, do you think it would be reasonable in respect of very small properties that there should be a different scale for the allowance of costs as between attorney and client?—I consider it most reasonable, and I find a precedent for it in the English Court of Chancery, where there have been two scales of costs for many years; but as far as I know up to the present moment there is only one scale in the Landed Estates Court by which even the smallest transaction is regulated.

2804. We have been told by Mr. McDonnell that an estate, even of the smallest kind, cannot be sold under the Landed Estates Court except at a cost to the vendor of nearly 100*l.*; do you agree with that statement?—I perfectly agree with Mr. McDonnell in that estimate, but at the same time I should wish to state to the Committee that 100*l.* is the minimum; it appears statistically that the average is more than 200*l.*

2805. You mean taking all sales?—Yes, taking all sales in the Landed Estates Court, the average expense of passing a property through the court is more than 200*l.*

Sir Joseph M. Kew.

2806. Does that include the stamp duty?—It does not include any stamp duty, nor does it include expenses to purchasers, nor duty to the Crown on the estates sold.

2807. What does it include, then; does it include merely the expenses of the vendor?—It includes only the solicitor's costs of and incident to the sale.

2808. In your opinion, in the case of small holdings sold under Part 2 of the Act, it would be desirable, if possible, to reduce largely the scale of costs?—I think the scale ought to be considerably lower for small transactions, it being now prohibitive in those cases.

2809. When you say that the average costs of sale are over 200*l.*, and that even in the case of small properties the minimum is 100*l.*, I presume the costs must very often be much higher than that figure?—The minimum is 100*l.*, supposing that no unusual difficulties occur in the case, and that there is no real litigation.

2810. Therefore, even in the case of very small properties, the costs may amount to a much larger sum?—If there is much difficulty or doubt about the title, or any litigation, the costs would be necessarily much more than 100*l.*, even in a small case.

2811. You think that the high rate of costs allowed has been a great impediment to the working of that part of the Act?—I believe it has been a very great detriment to the working of that part of the Act.

2812. While settling rentals as Examiner of the Landed Estates Court, did you observe that the tenants personally attended?—The tenants very often attend before the Examiner; the day is fixed by notice, and they seem to like to see the thing done; they take an interest in it.

2813. Had you any experience, as examiner, of the working of the 46th clause of the Act, which directs the Court to give facilities to tenants to purchase?—My experience has been much less than that of the other two examiners, because my function was the winding up of cases begun before 1870; and, inasmuch as my duties have been diminishing since the Act was passed, the present examiners are much better able to explain the working of Clause 46 than I am.

2814. Then the tenants who came before you, did not come there under Clause 46, but attended the Court in the ordinary course of sales, irrespective of the Land Act?—In only a few rentals has this Act been in force, as far as I am personally concerned; but I did in some instances see considerable anxiety on the part of tenants to purchase, and on one occasion since the passing of the Act, I endeavored to frame the lots so as to suit the tenants, but in that case the owner objected. The case next before the judge, not by formal appeal, but in the way which is usual in that Court. If an examiner has a doubt, or if the parties who have the conduct of the sale prefer it, the matter goes before the judge. In that case the judge declined to let the estate for the convenience of the tenants, upon the ground that the owner did not think it desirable.

2815. Do I understand that in the case you mentioned, the judge overruled your decision?—I should not like to call mine a decision; it is only one of those things which an officer does, knowing that it is liable to be reviewed informally.

2816. Did the owner state the grounds on which he objected to the estate being let out to suit the tenants in that case?—In that case and in many other cases, the owner being new to the Act, and having little experience of how it would work,

Chairman—continued.

week, thought it would injure the sale if the lots were made so small as to suit the tenants, and that was the general feeling of vendors in the Landed Estates Court.

2817. There is a general objection, I presume, to so lotting the property as to give the tenants an opportunity of buying, through the fear that the value of the whole may be diminished?—It is not from any unwillingness that the tenants should purchase, but from the fear that some should purchase, while others declined to do so. It is familiar to my mind as the "chessboard objection." The vendors used to say, "We do not like our estate to look like a chessboard, with some lots sold to tenants, and others unsold, as the latter would be likely to sell badly."

2818. Could you give the Committee any idea of the proportion bought by tenants in that case, and what was left unsold?—I could not, except by referring to the books.

2819. In that case you thought the risk might be run?—Yes, I thought the risk might be run; besides, I thought the Act of Parliament indicated that an effect should be made, if possible, to sell to the tenants.

2820. And it threw upon the examiner and the judge the duty of exercising a judgment in the matter?—I thought there was a kind of policy sketched out in section 46, to which we were bound to give effect, if possible.

Mr. Phibbs.

2821. What was the name of the estate?—I do not remember the name of the estate, but I think it must have been in Wexford.

Chairman.

2822. In that case the judge, looking at the whole of the circumstances, took an opposite view to yours, and the tenants had not an opportunity of buying?—The judge thought that on the whole the sale of the estate would suffer by the division into lots, and therefore he had respect to the feelings of the vendor.

2823. I suppose for one thing, the vendor fears delay in the sale of the residue, and does not merely regard the question of an inferior price being realised?—There would be some delay; probably two or three months in such a case, but the fear expressed was generally that the unsold lots would sell very badly.

2824. Is it the result of your experience that a considerable proportion of tenants were anxious to buy, and in a position to buy?—I am unable to agree with Mr. McDonnell upon that point. I believe that the major part of the tenants are anxious to buy if the opportunity presents itself.

2825. Is it difficult to estimate, from the general appearance of the tenants, whether they are in a position to buy or not?—It is quite impossible to tell from the look of an Irish tenant, or the house he lives in, whether he has got money or not; he keeps it a profound secret.

2826. Therefore, I suppose, until he sees a fair prospect of an opportunity of buying, he does not come forward at all?—He probably puts on the aspect of a poor ill-used man, but if he has the opportunity of purchasing his farm, he can find the money in a wonderful manner.

2827. I presume he would be afraid if he made an offer, and it afterwards turned out that the opportunity of purchasing would not be afforded

Chairman—continued.

to him, that he would be in the position of having shown his hand to the incoming landlord?—He would be very much afraid of letting it be thought that he was a man on whom the rent could be raised.

2828. Do you think a certain proportion could buy without any assistance from public money?—I believe that some could buy without any assistance from the State; and that all could buy with some such assistance as three-fourths of the purchase-money advanced to them.

2829. Do you think that the advance allowed by the State might be safely raised from two-thirds to three-fourths?—I think it might be safely increased, and that it is rather injurious only to advance two-thirds considering that the church tenants have three-fourths of the purchase-money advanced to them. I think that distinction can scarcely be kept up.

2830. Can you say that there is a general impression on the part of the tenants that they will have three-fourths of the purchase-money advanced to them?—I think everyone expected that, until a late stage of the Act of 1870.

2831. Then with regard to the value put upon property by the Board of Works. Do you think that difficulties arise from the uncertainty as to how much will be advanced by the Board of Works?—I have heard a great many complaints of the difficulty of knowing in time what the Board of Works will do, and the quantity of negotiation that is necessary, and the delay of the re-valuing, and the unnecessary action of the Board of Works in re-valuing.

2832. Do you think that the value might be, on the whole as a general rule, safely taken from the price given in the Landed Estates Court itself?—I think that the proceedings in the Landed Estates Court might usually be taken as conclusive proof of the value.

2833. I think that in the year 1873 a Bill was introduced by Mr. Heron for amending the Land Act, in many respects upon the subject of these clauses?—A Bill was prepared and brought in by Mr. Heron, Q.C., Mr. John Bright, and Mr. Pim; Mr. Pim had an extraordinary knowledge of the land question in Ireland.

2834. Were you consulted about that Bill?—I was.

2835. Will you point out to the Committee the various points on which you thought those clauses might be amended?—I have a copy of the Bill before me; in its preparation, I assisted Mr. Heron, who was then in Parliament.

2836. Will you point out to the Committee the various clauses in that Bill which bear upon the subject before the Committee?—The clauses which embody new suggestions for the working of parts of two and three are these: the first improvement suggested was that a small farm should be vested in the purchasing tenant by a document known to lawyers as a vesting order, and not by a conveyance.

2837. What would be the effect of that?—The effect of it would be that the expense of the transfer would be diminished by about three-fourths.

2838. That would save the necessity of a separate deed for every purchase, would it not?—At present there is a deed and a charging order in every case of firm-purchase assisted by a loan; it was proposed that there should be only an order. A vesting order, as a matter of

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Mr.  
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Esq.  
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Ordn.  
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legal machinery, appeared in the Trustee Act of 1850; and it might be usefully brought in in this process. The advantage of a vesting order is that it is comparatively inexpensive; it also has a slight advantage over the conveyance in this respect, that if an error should be discovered in it, it might be amended by the court which makes it; it has always been held, and I am sure correctly, that the Landed Estates Court cannot correct or amend its own conveyance; and if a mistake is found out in a conveyance, the court is absolutely helpless in the matter. The advantage of a vesting order would be, that in the case of a mistake in the vesting order this could be corrected by a subsequent order.

2839. What was the next proposition which you made?—The next proposition I made was that the tenant should be able to lodge his purchase-money in any branch office of the Bank of Ireland. The Bank of Ireland has branch offices in all the important towns; I have known cases where farmers have complained of having to send up money to be lodged in the bank at Dublin; it appeared to me that any purchaser should be enabled to lodge the money himself in the branch bank in his own locality without sending it to Dublin; the third suggestion I may mention is this: it was proposed, by sub-section E of Clause 5 of this Bill, that upon the consent of the landlord and tenant, and subject to the approbation of the Court, any rent may be reserved by the vesting order to the landlord and his successors in the title; the object of that was to render inquiries into title unnecessary. I need not explain to the Committee that if the landlord and his successors are to receive the rent in perpetuity, it is quite unnecessary for any court minutely to inquire into the landlord's title; the Court need only assure itself of the sufficiency of the rent.

2840. That suggestion was with regard to part 2 of the Act?—That was intended to refer to all such transactions as would come under part 2 of the Act.

2841. To facilitate the sales by agreement between landlord and tenant of settled property?—Yes, the substitution of a perpetual rent, instead of purchase-money.

2842. That is, in fact, another form of a suggestion which has been made, that by agreement the holdings shall be turned into perpetuity leases?—That would be the effect of it.

2843. It is another variety of that suggestion; you would suggest that instead of the payment of the purchase-money, there should be a rent-charge, either equivalent in value to the whole, or even somewhat less, charged upon the holding?—Quite so.

2844. If that were done, it would not be necessary to inquire so minutely into the title?—By that means probably half the legal expense of the process would be saved, because it would be unnecessary to inquire into the landlord's title; the rent-charge would follow exactly in the legal track of the title to the land.

2845. Do you think that many of the landowners would be prepared to avail themselves of that?—I believe many of them would, because as far as social influence is concerned the landlord would suffer very little by having a tenant under him at a perpetual rent; he would still appear to the public to be the owner of the property.

Chairman—continued.

2846. What other suggestions would you desire to make to the Committee?—It was proposed by Clause 6 that the Board should advance three-fourths of the price instead of two-thirds. It was then proposed by Clause 9 that, unless in the neighbourhood of Dublin, the legal part of the work should be done in the Court and office of the chairman of the county.

2847. Was there any suggestion as to the investment of the funds received from the sale of properties under settlement other than the investment of the trustees?—It was suggested that the Landed Estates Court, on receiving purchase-money which was not payable to anyone at once, should invest that purchase-money in any mode of investment which would be approved of by the rules of equity; in the Indian Funds, for example.

2848. Is not that open to them now?—It is not open to them now; the Landed Estates Court makes no investment except in ordinary Government funds.

2849. Do they allow them to invest in Bank stock or other stocks, which are open to trustees?—They never invest in anything but ordinary consols or stock equivalent to consols. My notion was that if the landlord sold at (say) 25 years' purchase, which I believe he would always get, the Landed Estates Court might invest the purchase-money in a 4 per cent stock, instead of a 3 per cent stock, and that thereby the landlord would not lose income.

2850. At present we are told that there is no inducement for landowners to avail themselves of Part 2 of the Act, inasmuch as they would rather lose money by the operation?—In some cases probably they would.

2851. As, for instance, where an estate is settled?—In the case of a settled estate, and a fund which must be retained and invested, they would lose money.

2852. They would be selling an estate which produced them 4 per cent., and the money would be invested by the court in funds bearing interest at the rate of 3½ per cent.—Quite so.

2853. Your object would be to open a wider field for such investments?—Yes, the object was to get for a settled fund not distributed, an income of 4 per cent.

2854. Then with regard to the record of title, I believe you suggested some amendment in that respect also?—The Bill of 1873 proposed that the provisions of the Record of Title Act should apply to all vesting orders vesting small farms in tenants.

2855. At present none of those small purchases effected through the Landed Estates Court are recorded upon the Record of Title in the same court, are they?—I think only a few of them are. The small purchasers in Ireland are not even aware of the existence of a Record of Title; it has not been explained or made known to them in any way, and in the ordinary course of business their new title does not come upon the Record of Title.

2856. I think the Committee have been informed that the purchaser is requested, or asked, by the Court to say whether he would object to his title going on the register of title?—At present the practice is for almost every purchaser to sign a docket, requiring that his title be not put upon the Record of Title.

2857. And that docket is sent to him through the

*Chairman*—continued.

the officers of the Landed Estates Court?—The Landed Estates Court does not now supply that docket; but after the passing of the Record of Title Act, the first act of the Court was to print off 2,000 dockets excluding the Act; those dockets were widely circulated; but after about two years it was represented that the Court should not appear to shut out the new Act, and the Court left off itself supplying those dockets.

*Mr. Meade.*

2858. As a matter of fact, there are very few titles recorded in Ireland, so that, practically, the Act is inoperative; is not that so?—When I left, the value of the property on the Record of Title was not much more than a million and a half, and it was increasing very slowly.

2859. Practically, the Act has been for some cause or other inoperative, or to a very great extent inoperative?—It is not quite inoperative, but it is not working largely.

*Chairman.*

2860. If a purchaser does not intimate his wish that the title should not be recorded upon the register, it would go, as a matter of course, upon the register, would it not?—If the purchaser did not sign this docket excluding the Act within so many days, his title would go upon the Record of Title.

2861. Then I understand that for the first two years after the passing of the Record of Title Act, the Landed Estates Court, which is charged with the duty of recording title, used its influence to prevent titles which passed through the Court being recorded?—I should not like to say that it used its influence, because that would be rather a strong expression, but I will say that the Court gave facilities for excluding the Act.

2862. Do you think it is desirable that in the case of these small ownerships created through the Landed Estates Court by facilities given by the State, the title should be recorded on the register?—I think that all small titles created in Ireland, and especially purchases of farms, should be placed upon a register of title, as distinguished from a register of deeds. I do not say that charges will not be required in the Record of Title Act, and I do not say that it should remain exactly under the custody in which it is now: but in one place or another the principle of the record of title should be preserved, and this would be of enormous importance with regard to small freehold properties, as regards subsequent deviation.

2863. I presume in small ownerships it would be very desirable that such a registry should be local?—I think there should be local registries for small estates in Ireland.

2864. And without entering upon the wider question of what should be done in the case of large estates, you think that, at all events in the case of small ownerships, local registration should be facilitated and made obligatory?—I think without going into the question, how large properties should be dealt with, that all newly created titles to small estates in Ireland should be placed upon a local registry of title. I have read the evidence of Dr. Haanock given before this Committee upon that point, and I agree with him entirely in principle, but I do not agree with him as to the particular registry office which he would institute. I know there is a good deal to

be said, but on the whole I think the newly constituted office of clerk of the peace would be the best registry office.

2865. Comparing the process of sale under Part 2 of the Act, and the process of taking land compulsorily for railway and other purposes, would you express your opinion with regard to what further facilities might be given?—I think the process of taking land for public purposes, under the Lands Clauses Consolidation Act, is a safe and a very simple process.

2866. I am not suggesting, of course, that land should be taken for the purpose of this part of the Act, but merely referring to the machinery for the ascertainment of the title and the investment of money under that process?—I think the principle of the purchase-money being approved of by the Court, and kept in Court, and invested for the benefit of the persons interested, is an extremely good one.

2867. Do you think that it might be adapted to this part of the Act without any difficulty?—I think that the working of Part 2 of the Act might be much facilitated by a reference to the analogy afforded by the Lands Clauses Consolidation Act.

2868. In these cases the necessity for inquiry in reference to the title is comparatively small?—Yes, an inquiry into title may, and very often does, involve great expense and delay.

2869. You are of opinion that Part 2 of the Act has failed mainly from two causes; first, the cost of proving title; and, secondly, the little inducement that there is to carry it out, looking to the few investments which are open to the persons intending to sell?—I think that those are two most material elements. I may mention that before leaving the Court, I inquired whether there had been costs of proceedings taxed under Part 2 of the Act, and I only found two cases, and the figures as I took them from the books of the Court, were in one case as follows:—The amount of the sale was 900 £, and the taxed costs of the vendor were, excluding odd shillings, 50 £; in that case the duty to the Crown would be 4 £, 10 s.; and I could not estimate the purchaser's cost at much less than 20 £; making a total in round numbers, of 75 £; that would be about equal to two years' income of the whole property.

2870. You think that expense might be reduced to a very considerable extent?—I think it might be reduced considerably, but I am not sure that the Court would be willing to make such alterations as would result in a reduction of the expense.

2871. In what respect would they be unwilling?—I apprehend that the Court disapproves of the lower scale of fees, and probably disapproves of the vesting order as a substitute for a conveyance.

2872. I think you addressed a letter to the then Attorney General in 1870, upon two of these subjects?—I wrote a letter in January 1870, to the then Attorney General for Ireland, while the Land Act of 1870 was in preparation, and I should be happy to hand in the draft of that letter.

2873. Will you read it?—“The Landed Estates Court, Ireland, although transferring every year landed property not far short of a million sterling in value, does not perceptibly increase the number of small proprietors. Two years

*Mr.  
R. Deasy  
Ulster,  
21 March  
1872.*

Mr.  
R. Denny  
Urbin.

27 March  
1878.

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years since the list of sales for a twelvemonth was found to exhibit less than half a dozen sales of small fee-simple lots. The small lots which are disposed of by the Court are mostly leasehold premises, in or near to towns. The vendors, or persons interested in the sale of any considerable estate, very rarely recommend its division into small lots, and this for several reasons. A great number of properties are held under leases or grants, subject to head rents. The Court although possessing, under Section 72 of its Act, legal power to divide or apportion such rents, invariably declines to do so without the head landlord's consent, which is never given; and this of course stands in the way of subdivision into lots. The same as to jointures or other annuities. Where a fee-simple estate comes to be sold there are other hindrances in the way. Firstly, the purchaser of the estate in gross is often designated beforehand, and even if no previous arrangement be made, the property is often laid out into such lots as will suit, or are supposed to suit, the convenience of adjoining proprietors, from whom the best prices are expected. The very last thing thought of is a sale to the tenants themselves; and practically this rarely happens except where any tenant has a valuable interest in a large extent of land. In short a sale of his own holding to a farmer having a yearly tenancy or a short lease, is a rare occurrence. If it be now desired to give to farmers greater facilities for purchasing their own holdings, certain alterations should be made in the system of the Landed Estates Court. (I.) After a reasonable interval for the reception of private offers for purchase, the Court should proceed to sell a fee-simple estate amongst the tenants upon it. In many instances the latter could procure the necessary funds; but there should be a system of loans of public money, as hereafter proposed. (II.) The power of apportioning head-rents should be freely exercised without further regard to the head landlords, other than the fixing of a minimum (say, 10*l.*) below which the subdivision of the rent should in no case be carried. (III.) There are, further, two considerable classes of property which, without unduly affecting private rights, might, through the Landed Estates Court, be readily subdivided so as to increase largely the number of peasant proprietors. (1.) The estates owned by English societies and corporations; and (2.) the waste lands. In the former case the occupying, in the latter the adjacent, farmers would have the first claim to become purchasers at prices to be determined by the Court; and there would be no injustice in making these sales compulsory. From the above three sources (landed estates' sales, estates of companies, waste lands) there would be a vast increase in the opportunities for purchase by farmers; and it might be desirable, on grounds of public policy, to facilitate these transactions by holding out some special advantages for the creation of small proprietorships (say, not less than 30, or more than 100 acres), to which a distinctive title, such as 'statutory ownership,' might be given. The special advantages might be some of the following:—(1.) Every such person, on lodging not less than one-fourth of the price fixed by the Landed Estates Court as the just price of his purchase, should be enabled to borrow the balance from the Board of Works,

Chairman—continued.

under machinery similar to that used for drainage and land improvement loans. This would be a first charge, simply secured, and repayable by instalments in 25 or 35 years, as might be desired. (2.) Perhaps exemption from stamp duty in respect of such purchases, and from succession duty also, might be accorded as an encouragement to make such small purchases by tenants. (3.) Every such 'statutory ownership' should be recorded under the 'Record of Title Act, 1868,' which effectually preserves the simplicity of the title, and prevents delay and expense in subsequent dealings. This system has been in force long enough to test it in every way; and although little known to the public, it is in force as regards nearly 400 estates of different sizes, of the aggregate value of over one-and-a-quarter millions sterling. Some minor changes are indeed necessary in the record of title system before it can work satisfactorily on a large scale, but these need not here be stated. (4.) The expense of obtaining a conveyance of a very small lot of land from the Landed Estates Court is too great. Apart from stamp duty, the mere expense of the shortest and simplest conveyance cannot be stated at less than 9*l.*; [against this, I have the following note: "This is too low an estimate. Supposing the purchase-money to be 1,100*l.*, the total expense would be, solicitors' fees on conveyance, 7*l.*; on memorial, 2*l.*; printing and map, say 2*l.*; fee on registry, 10*s.*; stamp duty on conveyance and memorial, 5*l.* 15*s.*; estimate for obtaining and lodging purchase-money, correspondence, &c., 2*l.* Adding the additional cost arising out of re-survey and purchase as one lot, under the Land Act, assisted by a loan of public money, the total is made up in such case to nearly 30*l.*"] Then going back to my original letter, I proceed, "and this is liable to be increased if any difficulty arises in the course of the transaction. The same result might be attained by substituting for a conveyance a vesting order of the Court, the expense of which when printed (with a map annexed) ought not to exceed 3*l.*; stamp duty is, of course, a separate item in both cases." These, of course, are my own private opinions. I should be sorry to omit to state, that the judges of the Court were not in the slightest degree aware of what I was writing, and might, in fact, have regarded some of the suggestions as quite inadmissible.

2874. Would you still adhere to the main views you there expressed?—I should adopt on the whole, what I wrote in 1870, except as regards any remission of the stamp duty in respect to which, I believe, that the opinion of the fiscal authorities would not coincide with my own.

2875. Do you agree with Mr. Vernon as to the inexpediency of throwing upon the judges of the Landed Estates Court the duty of carrying out this part of the Land Act?—I do not think that the judges of the Landed Estates Court would be likely largely to accept any duties of what may be called the administrative or non-contentious kind; they assume more and more the position of Vice Chancellors; in fact, the Landed Estates Court is now abolished, and the two judges of it are now judges of the Chancery Division under the Judicature Act of last Session, so that the Landed Estates Court does not legally exist.

2876. In fact their duties have become more and more judicial?—Their duties are more judicial, and

## Chairman—continued.

and are more formally discharged than they were in former years. They now resemble Vice Chancellors so much, that I do not think any new administrative law would be likely to be largely worked by them.

2877. In your opinion, would it be desirable to vest the duty of carrying out the intention of Parliament in respect of that part of the Act in some independent body, leaving the judges of the Landed Estates Court merely the judicial functions which might arise in respect of the cases which come before them?—I think the administrative functions, if Parliament should really desire to facilitate the creation of "peasant proprietors" in Ireland, should be committed not to the judges of the High Court, or to any superior judges, but to functionaries of a lower rank, who might refer upon a matter of abstract law to superior judges.

2878. Who would, I presume, represent the interest of the tenant before the judges of the Landed Estates Court in respect of sales or proceedings coming before the Court?—I think those temporary Commissioners should do what I venture to think the Board of Works were supposed to do by the Act of 1870, that is to say, make arrangements with the view of turning tenants into proprietors.

2879. That appears to some extent to have been the intention of the Act under Clause 46, which appears to have contemplated the Board of Works making special application on behalf of the tenants representing their interests before the Landed Estates Court?—It does appear from Section 46 that somebody was to represent the tenants, not exposing each tenant to the probabilities of a bill for legal expenses. I think they were intended to be represented, and to have arrangements made for them.

2880. If that had been carried out, the examiners would have been relieved of a good deal of the difficult duties which have been directly cast upon them during the last few years?—The examiners, are, I think, very suitable persons to perform that duty with regard to estates coming in the natural order of things under their notice in the Landed Estates Court; but I believe there are a great many estates in Ireland which would not in the natural course of things come into the Landed Estates Court, and as to which what I imagine to be the policy of Parts 2 and 3 of the Act might be carried out.

2881. In the case of settling the rental, it appears to me that the examiner is rather in the position of a judicial officer holding the balance between two contending parties, namely, the vendor and the tenant?—His duty is a very delicate one; he is asked on behalf of the tenants to make their farms into lots, and as I have before observed, and as other witnesses have explained to the Committee, the vendors generally lose against that for fear of loss: the examiner has to see how far this can be done, referring, of course, to the judge in case of doubt.

2882. Clause 46 appears to contemplate some one appearing to represent the interest of the tenant before the Court?—As I read it, it appears to assume somebody being active on behalf of the tenants to carry out the Act. It is also to be observed that in Section 41 the Privy Council of Ireland was specifically requested by Sub-section 2 to circulate the forms and directions. No directions were ever circulated by

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## Chairman—continued.

any one, and no information was ever given by any one. The late Judge Lynch said (as is already in evidence before this Committee), that he, that is his Court, had no way of giving information to the tenants; and he said the same thing to me with regard to the very limited working of the Record of Title Act. He said, "We, as judges of this Court, cannot give information to people as to the advantages of a new law, it is not our business to do it, and we have no facilities for doing it;" for that reason, I think a superior court of justice is not likely to spread handbills throughout the country, or to tell the tenants what are their rights with regard to purchasing their holdings; it must be done by quite a different machinery.

2883. I understand that you are of opinion that if some other body is charged with this duty it might also make arrangements between landlord and tenant for the sale of estates, and for the creation of small owners, independently of any business which would come in the ordinary course of things before the Landed Estates Court?—I think that Commissioners or some other persons ought to watch the sales in the Landed Estates Court, and when they find that an estate is to be sold with a large number of tenants upon it, they should send down some one to meet with the tenants, and ascertain their wishes, and tell them what the law had provided for them. This officer should also be able to give a tolerably certain promise of pecuniary assistance from public money in order that the tenants might know before they came up, or before they made a bid, that they would get two-thirds or three-fourths of the purchase-money, or whatever other proportion Parliament deems it right to give them; in fact, all this must be explained to the tenants, and, as I think, upon the spot. The task is an extremely onerous one, which is now thrown upon the tenant, of coming up to Dublin; he does not know a solicitor in Dublin, and he has to employ a solicitor in his own neighbourhood, who employs an agent in Dublin, or comes up himself; he then comes to a court of justice; he sees a number of other people, whose interests may be supposed to be opposed to his, and as the honourable Chairman observes, he has, to a great extent, to show his hand, and all this, without distinctly knowing what the Board of Works will do for him, or whether it would lend even two-thirds.

2884. Or even whether he will ever have the opportunity of bidding?—Yes, whether the opportunity will ever be given to him, because sometimes an estate is privately contracted for in globe beforehand.

2885. Do you think that already great disappointment has been caused to tenants by the want of facilities for obtaining information with regard to the amount of purchase-money likely to be advanced, and also how the property is likely to be put up?—I think there is a great want of facilities, and a great want of information, as there is no one whose duty it seems to be to give the information.

Sir Joseph McKenna.

2886. Is it not the fact, that so far as the Landed Estates Court is concerned, its intervention with the tenants has, in the great majority of cases, merely amounted to the ascertainment of the

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Sir Joseph M'Kenna—continued.

upset price that might be had for the tenants' holdings?—That appears from the evidence of Mr. M'Donnell.

2887. Do you confirm that evidence?—Mr. M'Donnell is better qualified to speak upon that point than I am, but as far as my knowledge goes, I entirely agree with him with regard to the upset price, and all the machinery of working, out this Act.

2888. Then the way in which this clause has been acted upon to the extent that it has been acted upon, has not been, in fact, in the tenants' interest at all?—I think the scale has been endeavoured to be held between the interest of the tenant and the interest of the vendor.

2889. I do not contest that, but in reference to the effect produced, what was done appears to me to have been to ascertain for the landlord beforehand, what price he might be sure of from the tenant, and then he need not deal; is not that so?—That is so.

Mr. Plunket.

2890. With regard to the estate which you particularly refer to in the county of Wexford, do you remember in what year it was sold?—I should say it was about the year 1873, but I know that what took place in that case has taken place in several others.

2891. Besides that estate, as I understand, you have not yourself experience of any estates which were sold to tenants between 1870 and 1876?—There must have been a few, and only a few, within my own personal knowledge. Will you allow me to add that, when I say the tenants manifested a great desire to purchase, I am speaking of an experience of many years before 1870. The tenants have manifested a wish to purchase for the last 15 years.

2892. You say you think that the examiners in the Landed Estates Court were sufficiently useful as regarded the estates which naturally came into the Landed Estates Court for the purpose of selling or making arrangements for sale to the tenants, but that the court could do nothing in the way of bringing home to the tenants any knowledge of sales of other estates which do not come into the Landed Estates Court?—I do not think they have any means of giving a wide effect to such an Act of Parliament.

2893. When you say "giving a wide effect to such an Act of Parliament," do you contemplate drawing a great many estates for sales to the tenants beyond those which would come into the Landed Estates Court in the ordinary course of things?—I think that if landlords, who often have a good deal of sympathy with their tenants, thought that their estates could be disposed of amongst their tenants, and not to speculators, they would be more willing to sell; of course, I do not mean all landlords, but a proportion of them. I believe there are in every county some proprietors who would be willing to sell their estates. For instance, the late Mr. Denis Kelly, of Lismore, told me that he sold his estate, not because it was encumbered, but because he did not want to live upon the estate. In fact he had no son, and he wished to leave money among his daughters, and meantime to live in Dublin.

2894. Would you be in favour of encouraging that line of action to a great extent?—I think it is a very wise policy, and a truly conservative

Mr. Plunket—continued.

policy, in every county to increase the number of small proprietors.

2895. By reducing the number of large proprietors; do you consider it is a desirable thing to make much fewer large landlords in Ireland?—I think that the position of a landlord requires certain faculties and aptitudes, and that every man is not fit for the position of a landlord; every man does not understand it; it is a kind of special vocation, and every man is not willing to spend a certain number of months in the year upon his estate. There are some landlords who have scientific and literary tastes; and some who are fond of foreign countries; and these are people who do little good in their capacity of landlords. I quite believe they are only in the minority, but I should like for such as from inaptitude, or absence abroad, do not fulfil the duties of resident landlords, to be able to sell for the benefit of the tenants.

2896. Would you say for absentee landlords that you would recommend that clause?—I would decidedly.

2897. But you would not desire to diminish to any great extent the number of resident landlords with a view of supplying their places by tenant proprietors?—Certainly not; I think that a resident landlord with aptitude, knowledge, and ability is a most valuable member of society in Ireland, and I should be sorry to see these owners, as a class, reduced in number: but a good many are absentees; a good many are apt for the duties of landlords, and a good deal of the land belongs to London companies, and other corporations; and also (although of course this is not the place to propose it) I think that the waste lands, which are extensive, ought to be leased in the same way.

2898. I suppose your suggestion that somebody should go down and instruct the tenants as to what opportunities and facilities are afforded them for purchasing, would be easily met by an officer attached to the Board of Works, supposing the Board of Works were reformed, with a view to giving practical effect to the policy which you find expressed in the clause which you refer to; that is to say, to a certain extent taking the part of the tenant?—I think that an energetic officer of the Board of Works who was fond of travelling, and fond of talking, might advantageously go down and call a meeting of the tenants upon any estate which was likely to change hands, and he might generally explain to them what is the object of the Act; but there all things satisfy them that they might make use of borrowing a certain amount of public money; I think that then a great number of them would get the money and gladly purchase.

2899. You approve of the appointment of such an officer, not only to report what he had ascertained previously, but to attend, and give further information as to the terms upon which tenants could borrow money, and all the particulars in fact of the transaction as far as the Board of Works were concerned, believing that that would considerably facilitate sale to tenants?—I think so certainly; he would give the directions which the Act appeared to contemplate.

2900. Supposing for a moment that the Committee were not prepared to recommend the appointment of a new Commission for the purpose of facilitating purchase by tenants, will you state, as shortly as you can, what suggestions



Mr. Plunket—continued.

gations you would yourself propose with the view of improving the operations of the Board of Works, and the Landed Estates Court; first, as to the Board of Works, you would, as I understand, like to see such an officer as Mr. O'Brien is for the Church Temporalities Commission, attached to the Board of Works?—I think so decidedly; with reference to the new machinery I should expect, with regard to the working of a new administrative law, more from a temporary Commissioner than from a permanent one; a temporary Commissioner works much harder; he does it for the sake of reputation, and devotes himself to it in a way which a permanent Commissioner rarely does.

2901. But this being a large and permanent Commission you could not appoint a succession of temporary Commissioners, could you?—It is very difficult to look forward for many years in a case of this sort; I believe the heavy part of the work would come in within four or five years.

2902. Why do you say the "heavy part"?—Because I think in the natural order of things there are now estates which might, if facilities were afforded, be divided among the tenants, and these estates, if facilities were given, would come in soon.

2903. Do you contemplate that within a short period the supply of tenants upon estates for sale will be dried up and exhausted?—I think the arrear, if I may call it so, which now exists would be found considerable. As to any permanent stream or supply, that would be a matter of speculation; it would be impossible, looking forward, to estimate the numbers of either class who would take advantage of such a law.

2904. That would be going upon the assumption that a new Commission were appointed for the purpose; but what I was asking you rather, was this: in the event of the Commission not being willing to recommend the appointment of a new Commission, what suggestions you would be disposed to make in addition to those you have already heard made here, with a view to working out the Bright's Clauses of the Land Act more efficiently, and completely by means of the Board of Works and the Landed Estates Court?—I am inclined to think that the solicitor of the Board of Works, who is no doubt fairly occupied now, should have an assistant who would attend the Landed Estates Court, watch the proceedings, and make a note of everything which bore on this question; he should attend the examinations when they settle the rentals, and himself frame a somewhat elaborate calculation, so it would necessarily be of what would be the result. Given an estate with 50 tenants; so many of those will give 25 years' purchase for so many acres, and so many will give 25 years' purchase for so many more, and you will often even find some who will give 30 years' purchase or more. Then you would have to make an elaborate scheme, showing how the residences are to be disposed of; of course, it matters very little to the landlord if some of his lots sell for 18 years' purchase if others sell for 30. Provided he realises 24 years' purchase all round, it does not matter to him how it is made up; but you would require a very intelligent officer to work these things out in the interest of the tenants, according to what I deem to be the policy of the Act. I think it would be very unfair to the present solicitor of

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Mr. Plunket—continued.

the Board of Works to expect him to do new things of that sort.

2905. You have stated that reluctance to accept a good bargain on the part of the landlord sometimes arises from the fact that he fears a loss on the sale of the residence; would not the presence of such an officer to explain all these matters, on the part of the Board of Works, greatly diminish the danger of loss on the sale of residue, and get over the timidity which you have spoken of as existing on the part of seller?—He has a great fear of some parts being left on his hands unsold.

2906. The effect of such an officer influencing the tenants to bid up to such a sum as 50 years' purchase, would greatly modify the objection of the landlord, in your opinion?—I think the officer might make such a calculation as would frequently relieve the fear of the vendor, but it will require a special officer, and a very intelligent one to do that.

Major Nolan.

2907. You mentioned, I think, Mr. Kelly's estate; was not that estate sold in a lump?—That estate was sold in my office in globe to Mr. Banot.

2908. Was not it supposed at the time of the sale of that estate, that the vendor would have got rather more if he had allowed it to be broken up into small lots?—That was the opinion at the time.

2909. Mr. Kelly was afraid of there being residues left?—It saved him a great deal of trouble to sell it in one lump. I mentioned that case because it was the case of a gentleman practically unencumbered, who simply did not wish to keep up the position of a landlord; he was tired of it.

2910. Did not Mr. Kelly, before he sold the estate make, in many cases, beneficial arrangements for the tenants in the way of leases?—I think is very likely he did; and I may mention that in other cases we have been in the habit of putting on the rental where no lease existed, that the purchaser would be bound to give the tenant a lease for his own life, or so many years, so that we have been creating leases in many cases where we found fair claims to have them.

Mr. Molloy.

2911. With the consent of the owner, I presume?—Yes, with the consent of the owner.

Major Nolan.

2912. Mr. Kelly's was a case in which a very large number of tenants would have become purchasers if there had been a proper scheme?—I think so.

2913. They were a numerous tenantry, were they not?—Yes, they were a numerous tenantry.

2914. And probably well off?—I think they were mostly well off.

2915. A great many of those tenants would have been able to buy their holdings if the owner of the estate had given facilities for them to do so?—Probably.

2916. It was a large estate, was it not?—Roughly speaking, the estate was worth 100,000*l*.

2917. You stated in one part of your evidence that the success or failure of any scheme for establishing small proprietorships was very much a question of expense?—It is very much a question of

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Major Nolan—continued.

of expense. If the vendor has to pay about 80*l.*, and the purchaser has to pay about 15*l.* or 20*l.*, the knowledge of that fact will probably prevent a small purchase from being carried out.

2918. So that if the State wishes to facilitate the establishment of a number of small proprietors, one of the first things it must look to is to reduce the cost of the sale of the land?—The cost must be carefully looked to, and a differential scale adopted for small transactions.

2919. To what extent do you think the State could reduce the cost without losing money, if it were to change all its rules, and merely look, not to losing money itself, but to making the costs as cheap as it possibly could; could the present costs then be reduced as much as two-thirds or three-fourths, either in the case of a sale in the Landed Estates Court or through any Commission which might be appointed?—I think that a Commission might be able, by adopting a number of changes, to reduce the cost about one-half.

2920. Have you read the evidence given by the officer of the Church Commission, namely, Mr. Murrough O'Brien, who said that the cost might be reduced by about the proportion of from about 1*l.* to 2*l.*?—I do not remember that. It ought to be mentioned that the Church Commissioners' transactions had the great advantage of what was really a clear title; a long possessory title is as good as any other; there were no long abstracts required, and therefore there was expense saved in that respect. Unfortunately, the abstract of title is very often as large a document for a little piece of land as for a large piece of land.

2921. Have you any detailed scheme by which the cost could be reduced in the Landed Estates Court?—It would be a matter of very minute detail to go into that.

2922. You will find the items stated in Mr. Murrough O'Brien's evidence; will you refer to that evidence, and see how many of the items could be reduced? (*The Witness referred to the Evidence.*)—I have already explained to the Committee that a vesting order might be substituted for a conveyance in small cases; but if you have a conveyance it would be hard to reduce materially the expense of the conveyance.

2923. You wish to abolish conveyance, do you not?—I wish to substitute, in certain cases, vesting orders for conveyances, if it be thought that economy is a great element in this matter.

Chairman.

2924. Could a vesting order appear upon the register of titles?—A vesting order could not be effectual without a new Act of Parliament; under the existing Act nothing would vest land but a conveyance; it would require statutory power to allow of a vesting order being substituted for a conveyance, but I should certainly presume that every vesting order ought to be entered upon the record of title. The only two items of reduction which I will, by way of illustration, mention at the moment are these: the solicitor's fee in Ireland for lodging money is 1*l.*, even where he only lodges, we will say, 5*l.*; that is item No. 52 in the Landed Estates Court schedule of charges, "For all attendance to lodge money in the Bank, 1*l.*" I think that where the sum of money involved is small, 1*l.* is an excessive fee for lodging it in court or in a bank; and to be impartial, I will also say that counsel's fee in Ireland for

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settling the smallest petition or statement is two guineas, whereas in London there are a great many guineas fees to counsel which are entirely unknown in Ireland; that is to say, there are few, if any, guineas fees in Ireland to counsel. The smallest petition, if counsel signs it, involves a fee of two guineas, and I certainly would propose that, in small matters, the fee should be differentiated in favour of small transactions.

Mr. Meldon.

2925. Do you mean to say that the fees of counsel in Ireland are higher than they are in England?—I do not think they are.

2926. You mean to say that there are a great many guineas fees which counsel receive in England which we do not receive in Ireland?—I mean to say that some fees which, in England, are a guinea each, and in Ireland are two guineas.

2927. Could you name one?—I may state as a fact that counsel's fee in the Landed Estates Court is two guineas upon the smallest document; and I may also state the fact that when I was a pupil to a special pleader in the Temple, he very often marked a guinea or less as the fee for a pleading in small cases. It is more important to observe that the authorities did allow of a fee of a guinea to counsel under Part 1 of the Irish Land Act, but that when it was proposed to lower it under Part 2, they objected altogether.

2928. Is it not the fact that a great number of petitions are never signed by counsel in these matters?—I think many of them are, but, on the whole, I think it a great advantage that counsel should sign the statement or petition where it is to set forth the title.

2929. But a counsel's signature is not requisite upon any petition in the Landed Estates Court; is not that so?—I beg to say that in this case of fees, which was discarded under Part 2, it was contemplated that there should be counsel's signature.

2930. At the present time counsel's signature is not compulsory, is it?—It is not compulsory, but if there is a signature it involves a two guineas fee.

2931. If the case is so difficult as to require counsel's opinion, there is a fixed fee for that, is there not?—Yes; it is a fixed amount.

Major Nolan.

2932. I do not wish to go into the technicalities of this question, but does it not appear from the evidence upon this point that the system of purchase by tenants in Ireland is very different from that which occurs in the sale of land in France and on other parts of the Continent and in the Colonies; are there not many more formalities in Ireland than elsewhere?—There are a great many formalities, but there are necessary, unless you have a register of title, and the owner's name is inscribed in a public book.

2933. It would be a great advantage, would it not, if that end could be attained?—The great point is to have a register of the ownership of land, in the same way as you have of railway shares, or of shipping property.

2934. Then you could reduce the cost of sale to the tenant?—You could, very largely.

2935. More than one-half, should you say?—Certainly one-half, I should say.

2936. That would have a great effect in increasing the number of small owners, would it not?

Major Nelson—continued.

net?—It would have a great effect; I believe every small proprietor who is left to the ordinary course of the law under existing circumstances, is to be pitied; because upon the next deviation if any doubt or difficulty arises under his will, the cost would be entirely out of proportion to the size of the property.

2937. Does the system of jointure and entail in this country also indirectly greatly increase the cost of the transfer of land?—It does increase the difficulty; but as that usually applies to large properties, the evil, if it be an evil, is not so much felt.

2938. Does not it prevent the large proprietors from selling a small piece of land in many cases, it being the same expense nearly to sell a small parcel of land as to sell a large one?—The system of settlement often prevents sales, but not so often as might be supposed, because there is frequently found a power of sale in trustees.

2939. What would be the expense, ordinarily, to an owner of property selling 500 l. worth of property in Ireland?—I think Mr. McDonnell has properly stated the minimum costs of a sale in the Court at 100 l.

2940. That would largely deter men from selling, would it not?—It would certainly deter me either from buying or selling a small property, when you can buy railway property at a very small expense.

2941. You would have no fear under any scheme we could propose that the peasantry in Ireland would ever completely supplant the landlords; there would be plenty of room for both, would there not?—There would be plenty of room for both.

2942. It is quite an imaginary fear to apprehend that the landlords would be driven out of the country?—Absolutely, I believe; the best landlords, that is, those who live in their counties and attend to their estates, would take no notice of such a law.

2943. Would you be of opinion that the establishment of small proprietors would improve the state of the country to such an extent that it might induce some proprietors to live in the country, who do not live there now?—I believe that the effect of such a measure would be strictly conservative; that is to say, that people who are owners of land feel that which others do not feel. They have what is vulgarly called a stake in the country, which expresses the feeling extremely well, and I believe that small proprietors would be found loyal and devoted to the Constitution.

2944. As I understand, you think it of great importance that some one should go down from the office of the Board of Works to explain to the tenants how they could purchase land under this system, or any system which it might be decided to adopt?—I think it might be tried by posting circulars, and so on; but I am satisfied that the most effective way would be to have a meeting, and explain the matter to the people on the spot.

2945. And have some one there to answer questions and remove difficulties?—Yes.

2946. But you would attach no importance to his being an officer of the Board of Works, or of any Commission which may be appointed?—It does not matter to what Board or Commission he belonged, so that he were a fit person for the task.

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Mr. Meldon.

2947. I understand that you advocate the system of vesting orders instead of conveyances in the case of sales of small properties?—I do.

2948. You do not anticipate any difficulty in working out a system of that kind?—Not the least.

2949. Are you aware that formerly, upon a person becoming insolvent, the Court of Insolvency made a vesting order, vesting the property in the assignees?—Yes, I am.

2950. And that that vesting order was capable of registration, and that there was never any difficulty with regard to title in that case?—Quite so, under a vesting order.

2951. On a person now becoming insolvent, the appointment of assignees can be registered in the Registration of Deeds Office, just in the same way as a conveyance can be, can it not?—Yes; and the Landed Estates Court has power under its own Act and the Trustee Act, to vest your estate in your trustees, and yet it has no power to vest a little bit of land in a new purchaser.

2952. There are ample precedents for the plan which you have proposed which have worked satisfactorily, are there not?—Yes; there are ample precedents.

2953. I understand you to say, that if there were a Commission appointed, the Landed Estates Court could be used in conjunction with that Commission very practically and very usefully?—Certainly; I think the present settlement of rentals before an examiner is a very good system.

2954. In point of fact, the Landed Estates Court performs very similar functions in many cases between the vendor and vendee at the present moment. When vendor and vendee agreed to purchase outside, and a difficulty arises between them, a reference is made to the Landed Estates Court to settle that difficulty?—Yes, no doubt the system is good, but the expense being so considerable, the experiment is a failure; when I talk of the expense of the Court being great, I wish to be understood as only referring to the disproportionate expense in small transactions.

2955. In the case I have suggested, there would be no difficulty in making the Landed Estates Court and the Commissioners work together?—I think they might work together very well.

2956. If a Commission were appointed, they could agree to purchase the estate outside, and then come into the Landed Estates Court at a very small expense, so as to get a complete title, and then have vesting orders made to a number of tenants, and so decrease the expense considerably?—Yes.

2957. I presume in the case of a sale in the Landed Estates Court, there are some notices which must be served upon the tenants upon the estate to be sold?—Yes, every tenant is served with a consolidated notice, which gives full particulars of his tenancy.

2958. Was there ever any attempt made by the officials of the Landed Estates Court to bring to the knowledge of the tenants the benefits which they might enjoy by purchasing their holdings?—Certainly not; Judge Lynch, according to evidence already given before this Committee, said that the Court had no way of giving information to people.

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Mr.  
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Usher.  
21 March  
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Mr.  
R. Drury  
Clerk.  
31 March  
1876.

Mr. Meidon—continued.

2959. Would it add considerably to the expense to require a notice calling the attention of the tenants to their power of purchase being served upon them from the Landed Estates Court in the same way as the consolidated notice to the tenants is served upon them?—It would add something appreciable to the expense if you had an additional notice in anticipation served upon them.

2960. You mean if you had special notice before the consolidated notice, it would add considerably to the expense?—Serving notices is an expensive process; you send a man down to the estate and he spends a considerable time in serving the tenants at their houses; and then there is an affidavit and schedule made, and so on. Then that affidavit has to be filed and checked over by one of the officers; I consider that the serving of notices by hand is an expensive process, and I should be sorry to see a duplication of it.

2961. If those notices were served as notices in the Court of Chancery, and I believe some notices of the Landed Estates Court are, through the post, would that be an expensive process?—Mr. McDonnell thinks that the post does not reach the small tenants in Ireland, because some of those people do not send for their letters, and it is a chance if they get them.

2962. Your opinion is that serving notices would entail considerable expense?—I said that it would entail an appreciable expense.

2963. Could not the greater part of that expense be saved by serving a notice calling the attention of the tenants to the facilities for the purchase of their holdings at the same time that the consolidated notice is served?—I think that will be a more practicable way of getting over the difficulty, that is to say, by an enlargement of the consolidated notice.

2964. Or a separate notice served at the same time?—I think it would be of little practical value unless it assured the tenants that they would be assisted to a given extent, and nobody can assure them of that because the precise value of the holding has to be subsequently arrived at.

2965. I mean it would be less expensive, and would bring to the tenants' notice the facilities which exist at the present moment?—I think that if there were bills printed in clear terms and given to the tenants along with the consolidated notice, there would be no difficulty about it, and it would certainly add to the facilities now afforded them.

2966. I understand you to say that in some cases you have put a condition on the rental that the tenant would be entitled to a lease?—Yes.

2967. Has that worked satisfactorily both to the owner and tenant?—Yes; I doubt whether the leases have often been actually made in these cases, but the tenant has had all the benefit.

2968. Do you think that the purchaser has suffered loss in these cases afterwards?—I should think not; they were never given to the tenant, unless he had some kind of equitable claim.

2969. Do you not think that the acquisition of holdings by tenants could be facilitated by giving power to the Landed Estates Court to give leases in perpetuity either on a fee farm rent, on payment of an annuity, for a number of years; that is to say, instead of the Court selling a holding to tenants who probably had no money, making a lease to them for ever at a fair rent,

Mr. Meidon—continued.

and selling the estate then, subject to those leases?—I think it will be desirable to give the power to do so, if the power is legally wanting, but whether that power would be largely exercised or not, I do not know. I do not think the Court would like to find itself called upon to make numerous leases to tenants.

2970. Why so; would it give the Court too much trouble?—The staff of the Court is smaller than it was in former years.

2971. But irrespective of those minor questions, do not you think it is a power which might be beneficially given to them?—It is a power which might be beneficially given; and I would also give power to the Court to create new rights of way where none existed before.

2972. If a tenant wishes to purchase now he must offer rather more than the market value, and the owner must be satisfied that there will not be a loss to him by reason of the tenants purchasing the holdings, or by reason of his putting up the lots to suit the tenants; could not those things be avoided if the Court were to say, "We will grant the tenant a lease in perpetuity at a rent to be settled by agreement between the tenant and the owner"?—I think so.

2973. Would not that enable a few tenants to become owners of their holdings in a manner not detrimental to the present owner?—I quite think there ought to be such a power; I think it was contemplated in this Bill of 1873, that there should be such a power.

2974. Now we have heard a great deal about the loss which owners are likely to suffer by reason of the depreciated value of the portions of their estates not sold to tenants; have any cases come before you in which the tenants were willing to buy, where there would have been a loss to the owner by reason of the estate not selling well if the tenants had been allowed to purchase?—I have often heard owners express fear upon the subject, but I am not able to give any case in which there has been experience of loss.

2975. From your experience, do you think that this fear of loss upon the sale of residues places any practical difficulty in the way of tenants being allowed to buy their holdings?—If I were a landlord selling in the Landed Estates Court, I should be very much afraid of an irrevocable sale by auction of an estate cut up into very small lots, because I should be very much afraid of some of those lots, and those the worst, being left upon my hands.

2976. On the other hand, would not the increased price that the tenants would give for the lots compensate the owner of the estate for any possible diminution on the residues?—It might or it might not; the difficulty arises from the fear which the owner has that it will not do so.

2977. Each case would be determined upon its own circumstances, would it not?—Each case would be determined upon its own circumstances; it is a matter of private negotiation; I think that some public officer might try to learn from the tenants what they will give for their lots, and so arrange it as to show to the landlord that he is getting an ample price for the lots, taking one with another.

Mr. Bruen.

2978. With regard to the vesting order, I ask for information's sake whether the difference between

Mr. Bruen—continued.

tween the vesting order and a conveyance by the Landed Estates Court is not this, that the conveyance gives the purchaser an indefeasible title, whereas the vesting order does not do so; it merely conveys to the purchaser whatever title, good, bad, or unknown, existed before?—A vesting order, to be of any value, ought to possess all the legal qualities of an indefeasible conveyance, by which we mean that the title is perfectly good against all the world.

Mr. Ferner.

2973. But it does not now do so, I believe?—It is most important that the vesting order should have given to it all the legal effect of a conveyance.

Mr. Bruen.

2980. Would that vesting order have such an effect unless an Act of Parliament were passed to give it such?—There could be no such vesting order of the kind I propose without an Act of Parliament.

Mr. Molloy.

2981. What vesting order is there at the present moment?—The Landed Estates Court can vest property in new trustees.

Mr. Bruen.

2982. In vesting in trustees the estate which is vested is merely the estate that is existing; it does not give any indefeasible title; it merely conveys the estate as it was to the trustees?—Yes; a vesting order, to have an indefeasible effect, must be described and determined by a new statute.

Mr. Ferner.

2983. You, I think, said that the Landed Estates Court rather hindered the registration of title than otherwise?—I think the expression I used was, that the Landed Estates Court at one time gave great facilities to persons for excluding the Record of Title Act.

2984. Do you not know that purchasers in the Court had to sign some formal document requesting that the title of their purchase should not be recorded?—They had to sign that paper, and I think my remark went to this, that the Court supplied those papers very freely at one time.

2985. They gave them to purchasers, did they not?—They gave them to the purchasers. The moment the Record of Title Act was passed, there were printed off 2,000 forms, excluding the Act, and those were given to anybody.

2986. They would not be given unless they were applied for, would they?—I remember a friend of mine sending up for a dozen of them, and they were given.

2987. He applied for them, did he not?—Yes, he did.

2988. The Court did not give them, unless parties asked for them?—Certainly not.

Mr. Fay.

2989. Your strong point appears to be these vesting orders; do you not think that the same objection which has applied to the record of title, and the same unwillingness which people have exhibited to adopt the record of title, would be the consequence of this vesting order also?—It was proposed by Mr. Heron's Bill of 1873 that the vesting order should be prepared in duplicate.

Mr. Fay—continued.

2990. Did that Bill propose to make the duplicate of such a nature as to be valid for an equitable deposit?—I should not wish to answer that question off-hand.

2991. I suppose you know that that is the real objection that purchasers have to the Record of Title Act; that they have no document in their hands which they can use for the purpose of equitable mortgage?—They may have a duplicate, if they think of it soon enough, and get the deed prepared in duplicate.

2992. Does not the very fact of recording the title prevent the owner making an equitable mortgage of the property so purchased and so recorded?—I presume you mean an equitable mortgage which shall not appear upon the record, to which I would say that I do not think the system encourages mortgages which are not on the record; the Record of Title Act has a section expressly to facilitate equitable mortgages, but they must be noted on the record.

2993. Have you not understood that, in point of fact, the exclusion of the power of making an equitable mortgage has made recording naturally unpopular?—I have heard that objection made once or twice, but I am not aware that that is a largely operating cause of its unpopularity.

2994. How do you explain the unpopularity of recording?—It is rather because it is not well understood.

2995. But with regard to this document which must be signed within three weeks after the conveyance is perfected, does it not distinctly state in some terms like the following, "I desire that my conveyance be not recorded"?—Those are the terms of the document.

2996. Is it not natural that a purchaser should ask before he signs it what is being done?—It is difficult to account for it; it is true that it works in a very limited way, but I may say that it has its counterpart in the English Land Registry; the Irish Act works as largely as the English Act; they are both under a cloud to some extent. The office in Lincoln's Inn Fields is working very slowly indeed; people do not understand the system of a registry of titles, and have never taken the trouble to go minutely into the matter.

Chairman.

2997. It is not a local registry at present, is it?—There is only a central office like the registry office in London. I mentioned, in answer to an honourable Member, that the systems in Ireland and in England are both alike in this respect, that they are not popular, and the legal profession are not fond of them.

2998. The offices are not local; that is to say, every owner must come up to Dublin for the purpose of recording his title?—There are no local registries at present.

2999. In that case local registries would be necessary?—They would be desirable for small estates, no doubt.

3000. In order to give convenience to the public?—I think there ought to be local registries; they would very much facilitate the creating and the clearing off of mortgages, and, in fact, the subsequent devolution of title with all its incidents.

Mr. Fay.

3001. Putting the costs of the cheapest sale at 100 l., if you wished to get an indefeasible title,

Mr.  
R. Barry  
Urbis.  
—  
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Mr.  
R. Denny  
Esq.  
—  
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Mr. Fay—continued.

title, how could you reduce them below the present scale; what part of the costs would you assail?—I mentioned that where the property is very small, I would only give counsel one guinea instead of two.

3002. That would reduce the expense to 99*l.* instead of 100*l.*; what further reduction would you suggest?—I would only give the solicitor 10*l.* instead of 11*l.* for lodging money in the bank; these are only examples. Under the present practice it would be very hard to bring the expense much lower than 105*l.*

3003. You threw out a suggestion as to absentee owners being those who might be more liberally dealt with; do you mean that you would go so far as to suggest a hostile petition for the sale of such estates?—I do not think I would.

3004. You think that such might be done in the case of lunacy and minority estates?—Where an estate is under a minority, it is under a certain disadvantage.

3005. Would you suggest that a hostile petition should be filed by the tenants in such cases, for the purpose of sale?—That is so strong a measure that I should have some hesitation; next year the minor might die, and his uncle, who might be a capital man, might come in; or

Mr. Fay—continued.

the lunatic might recover; it would be rather a strong position to assent to hurriedly.

Major Nelson.

3006. You stated that there is a practical difficulty now in the tenants not knowing how much the Board of Works will advance in a given sale?—They never knew with exactness.

3007. That is a practical difficulty, is it not?—It is a difficulty, and one I do not see any way out of without a change of system.

3008. Do not the Board of Works always advance two-thirds upon the Ordnance valuation?—The tenants do not know what their standard is; in fact, I did not know it myself. The Board had a private way of their own of arriving at how much they would lend.

3009. That way is not known to the public?—It was not known a short time since; nor did I know it myself.

3010. The public ought, you think, to know how much they will get?—Each purchaser ought to know to a penny what advance of public money he will get.

3011. Whereas there is no such rule known to the public?—There is no such rule known to the public.

Monday, 25th March 1878.

MEMBERS PRESENT:

Sir Walter Barttelot.  
Mr. Hruen.  
Mr. Errington.  
Mr. Fay.  
Mr. Shaw Lefevre.  
Sir John Leslie.

Sir Joseph McKenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Plunket.  
Mr. Verrier.  
Mr. Wilson.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. WILLIAM BENCK JONES, called in; and Examined.

Mr. Plunket.

3012. I THINK you are a Magistrate of the county of Cork?—Yes.

3013. I believe you have for a considerable time resided in that county?—I have lived there since 1843.

3014. I believe all through your lifetime you have devoted a great deal of attention to questions of a political, economical, and social character relating to Ireland?—I have always been interested, not only as relating to Ireland, but generally, in all that class of questions. I lived in Suffolk before the new poor law system was introduced, when all sorts of abuses were rife, and it was a matter of constant discussion how they were to be met. In that way my attention was drawn to such subjects, and I have always been interested in them; in fact, the course of my life has led me very much into connection with those questions.

3015. Have you paid attention very particularly to the question as connected with the principle of small proprietorships?—I have; I have always been interested in the whole subject, especially in connection with Ireland.

3016. Since 1843, when you say, I think, you established yourself in Cork, have you personally been concerned in farming?—Yes, constantly; since the famine I had a quantity of land thrown on my hands which I had no choice but to hold; I could not re-let it at the former price, and as I knew a good deal about farming, I went on farming the land, and gradually made my way with it, finding that I was doing a great deal of good to myself and others.

3017. Will you tell the Committee to what extent you hold land now in Ireland?—Generally I hold about 1,000 acres, but the quantity varies; sometimes I let off some to a tenant for improving his holding; sometimes if a farm comes out of lease, and a quantity of it is poor, and the tenant is doing no good with it, I take some of it away and manage it myself; I do not take up land so much for the good of the farm, but in subordination to the good of the estate.

3018. Do I understand that you have 1,000 acres in your own hand which you farm?—Yes, at the present time.

3019. How much land have you let to tenants?  
0.51.

Mr. Plunket—continued.

—The amount let to tenants is nearly 3,000 acres; the whole estate is 3,800 acres.

3020. Have you been able to carry on these farming operations with success?—I have been able to carry on these operations with very great success, indeed, as far as profit is concerned; I have made money very largely by the head, and do make very largely by it every year; I have kept most accurate balance sheets, and gradually the farm has become extremely profitable; I make nearly double what I could let the land for to respectable tenants.

3021. Now on this question of increasing the number of owners of land in Ireland; are you in favour of increasing their number?—Certainly, I am very much in favour of it.

3022. Would you be disposed to give increased facilities for tenants to acquire the fee-simple of their holdings on the principles laid down in the Land Act of 1870, in addition to those which are at present at their disposal?—I do not think that any great addition to the advantages given by the Land Act is wanted, beyond clearing away the minor difficulties. To me it seems that the advantages given by the Land Act are very great; I look upon that part of the Act as a great experiment, which it is very well worth trying, both on the ground of increasing the number of small proprietors and also for the sake of giving every man who wishes to buy the opportunity of doing so as advantageously as may be; but it is a great experiment, and I think it requires to be tried with very great caution whoever has the carrying of it out, gradually feeding his way into it as it goes on. I should think it a very great risk to plunge into it on a very large scale, knowing what I do know about the land in Ireland.

3023. That is to say without further experience of its success?—My own notion would be to go on gradually, extending it as the system was found to answer, if it were found to answer.

3024. I suppose you would be glad to see the costs of these purchases by tenants of their holdings reduced?—I shall be glad to see the costs very much reduced; I think reducing the costs is one of the most important things that could possibly be done; I was a good deal struck with the evidence which I saw had been given

Mr. W.  
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Mr. Plunket—continued.

by one witness on behalf of the Church Temporalities Commission as to their making the cost of the sale a matter of contract beforehand with some solicitor, which struck me as a very probable way of succeeding in very much reducing the costs.

3025. Then, as regards giving increased information to the tenants as to the terms under which they could obtain advances from the Board of Works, and also of the other facilities afforded to them, would you be in favour of bringing home that information more completely to the tenants than is done under the present system?—I think, practically, that that is likely to produce very good effects indeed, from what I know of the people in my district.

3026. Would you be in favour of carrying out that object as it is now done by Mr. O'Brien for the Church Temporalities Commission?—That struck me as very sensibly done, indeed, and a very wise way of doing it.

3027. I suppose you would be glad to afford any other means of escaping from the small difficulties which at present belong to a tenant's seeking to purchase his holding?—Anything which could be suggested in a fair way as helping people to help themselves I would gladly see adopted.

3028. I suppose, on the other hand, you would not be in favour of unnaturally stimulating the creation of tenants proprietors?—Very much the contrary. The great lesson we want to learn in Ireland is for people to depend upon their own exertions; wherever that is done everyone thrives. I think that nowhere in the world can industrious men of all classes do better than in Ireland.

3029. Do you think that it is necessary, or that it would be desirable, to fix any limit with reference to the size of holdings which might be bought by tenants?—No, I should not be inclined to do that; I think it would be injurious. I do not believe in much good being done by small purchasers; but if a man could produce his share of the money I would not refuse him; I would give him the chance of purchasing his holding. I do not think it is likely to go very far in the way of small purchasers of that kind coming forward.

3030. Do you think that the advance at present offered, namely, two-thirds of the purchase money, is a reasonable facility?—I do not think it really matters whether the advance is two-thirds or three-fourths, the difference is so small between the one and the other that I do not believe it would make any practical difference. I have neither much objection to the advance of three-fourths, nor do I think there would be much advantage in it. I should prefer an advance of two-thirds. I think that a man should commence substantially by helping himself, and that the transaction should not all be at the risk of the Government.

3031. Then regarding what has been done already in the light of an experiment, do you think that the number of sales of their holdings to tenants that we have heard of as having been effected under the Land Act, and also under the Church Act respectively, will give a sufficient opportunity of judging for some years to come of this experiment?—I should not at all object to going beyond what has been done, as I understand there have been something like 5,000 lots disposed of under the Church Act, and less than 1,000 lots under the Land Act; if the sales

Mr. Plunket—continued.

under the Land Act went to the extent of 1,000 lots a year, or something of that sort, that might suffice; I do not think it is necessary to put a very strict limit upon it, but I do not believe that going into the business on a great scale could answer.

3032. As I understand, your desire is, that the practical effect of establishing a substitution of proprietors for tenants in these holdings when so dealt with, should be tested for some years beyond the experience we have already had, before making the experiment upon a large scale?—I should like to see the experiment tried substantially, whether with a few more or a few less is immaterial; but I should think it a very doubtful thing for the country to plunge into a general system of forcing sales hot-bed fashion, if I may call it so.

3033. Do you think that there would be danger, if this operation were carried on on a very large scale, that the result for the farmers in Ireland of a few bad years succeeding one another, would be to bring about disagreeable relations between the new proprietors and the Government?—Anyone who went through the famine as I did, and knew what ruin went on then, and who knows what the effect of the cattle plague was in many counties in England, could not doubt that if a calamity a fourth part as severe as either of those should occur again in Ireland, the instalments could not be paid; it would not be a matter of will at all, but they absolutely could not be paid.

3034. Do you think that that would have a tendency to place the small proprietors in a position of antagonism to the Government?—I cannot conceive anything more uncomfortable for a Government than to have 5,000 instalment payers unable to pay; it would be the most awkward and inconvenient position that the Government could be placed in, in my judgment.

3035. Do you think that if the Government in that case were driven to sell, that process would place them in a disagreeable relation to the tenants?—They could not sell; there would be no one to buy; it would be as in the time of the famine, when there was no re-letting the land at its former rent, although we should have been glad to do so; even this year, after two or three rather bad seasons, we have had a number of small tenants running away without paying, as they did in the famine time.

3036. Do those landlords under whom these tenants are, find it hard to deal with these holdings, or to reset them to others?—I have not any experience upon that point, because I am always ready to take land into my own hands; the facilities for landlords to deal with the land themselves have so greatly improved, and we know now so much more about it, that the same difficulties do not arise now.

3037. What are the conditions which enable landlords to deal with their own land more favourably than formerly?—In the south of Ireland the system of letting cows to dairymen has taken a curious development; the profit which is made out of land by putting cows upon it and letting the cows to dairymen is so considerable, that it enables people to get through their difficulties in a remarkable way, and many of the tenants have adopted the same plan as that which pays best.

3038. If this plan of tenants purchasing their holdings



Mr. Piolet—continued.

holdings were carried out, there would be no landlords remaining upon these lands, but the State would represent, to a certain extent, the landlord of these lands, and you foresee a difficulty in dealing with these holdings?—I do not think that the State could deal as a landlord could in the event of default.

Chairman.

3039. Why would not the land sell in that condition as land in hand?—It would be as it was after the famine, when land would only sell or let at a very depreciated rate, and if there is prejudice, as there would certainly be, to buying up the lot of a farmer who was unable to pay up his instalments, a most uncomfortable state of things would be created; as it is now, we have many cases in some parts in which, on letting land where the tenant has defaulted, the neighbours put their backs up, and will not let anybody take it with impunity.

Mr. Piolet.

3040. You think there would be a difficulty in that respect?—I do; there are always people inclined to mischief, whether in Ireland or in England, in Ireland particularly, you are sure to have people ready to encourage anything of that kind.

3041. You have stated that you do not care whether two-thirds or three-fourths of the purchase-money should be advanced by the State; what you desire is, that the tenants should be able to put down some substantial part of the purchase-money themselves?—I think that is the important point.

3042. That is to say, I suppose, without borrowing from the local money-lenders?—Of course, if you can arrange it so, but you cannot check that. If a man produces the money, you cannot go into the question of how he made it, or where he got it from, but I would certainly require, at any rate, a substantial proportion of the money to be put down.

3043. You see at once the disadvantage of a tenant becoming a proprietor with a load of debt hanging about his neck?—Quite so, it is cutting away from the tenant the only means of improving his land; it is only by an outlay upon his land that he can possibly improve it; there is no other way of doing it; if you start a tenant in proprietorship with debt upon him, he is crippled far more than one of my tenants is crippled by any rent he can have to pay.

3044. Your object would be to facilitate the sale of their holdings to a better class of tenants, and as far as possible prevent the acquisition of the fee simple by small people who would start with a load of debt about them?—The good that would be done, would be done by selling to people who have money more or less; you cannot prevent other people buying if you offer facilities, and I do not think it would be desirable to prevent them from doing so.

3045. Not if they had to borrow?—You cannot possibly prevent people from borrowing money if they are so inclined, but no good would be done by them; they would only be turned from impoverished and unthriving tenants into impoverished and unthriving owners. There is no mystery about land; it is only putting money into it which makes it pay.

3046. You have, I believe, directed your at-

Mr. Piolet—continued.

tention to the plan proposed by Mr. Vernon; would you be in favour of that proposal, so far as you have considered it?—Mr. Vernon's plan did not approve itself to me as a practical proposal at all. First of all, as resting upon a valuation of the land. Now, in my experience, no valuation of land is worth anything at all; valuations of land, as far as I have ever known them, are nothing in the world but guesses; there are no sure principles that valuers can go upon, and every kind of mistake is made in valuation. Sir Richard Griffith's valuation was made with an amount of intelligence brought to bear upon it which I should say was never brought to bear upon any other valuation in the world; his object was only to get a comparative valuation, but it has utterly failed in its object.

Chairman.

3047. Will you explain to the Committee what was the valuation which you objected to in Mr. Vernon's scheme?—Mr. Vernon began by saying that some one was to be sent down to value the estate which was to be sold, and that was the basis upon which the whole thing was to proceed. I do not believe in any trustworthy valuation for these purposes; it is true that you may make a minimum valuation, but that is not a trustworthy valuation, and as a valuation between the man who is obliged to sell and the public, it cannot be relied upon.

Mr. Piolet.

3048. Do you think that any difficulty is likely to arise under Mr. Vernon's plan as regards the residues?—I cannot reconcile his view with respect to residues with anything that I have seen in Ireland, or with any experience I have had in buying land; I do not think he met the residue difficulty at all, because to suppose that after picking out the plums of a townland and all the best bits, the residue would sell for as much as the plums did, involves an absurdity or blunder somewhere. The only way in which I can account for it is that the whole having been sold very cheaply, both residue and plums sold equally well. I have bought a good deal of land, and have bid for a great deal more than I have bought; but as for saying that the residues of these lands which I bought would have sold for the same price after the plums had been picked out as they sold for in a lump, the idea is foolish.

Chairman.

3049. It did not necessarily involve that the plums should have been picked out, but there would be portions which the tenants had bought and portions which they had not bought?—The thriving tenants would buy; we all know the farms that look best to a buyer are those occupied by thriving men; those are the men who would buy in the first instance. The great majority of those who would buy would be persons of means, and the great majority of those who would not buy would be those who did not possess the money; but any way, whether you call them plums or not, to suppose that the residue, after the farms of the best tenants had been picked out, would sell for as much as the farms of the best tenants sold for, is absurd; there must be a screw loose somewhere.

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Mr. Plunket.

3050. You stated that you would not like to plunge into the scheme upon a large scale until you had some practical experience of the purchasing of their holdings by tenants; has what you have observed and read of the general condition of peasant owners abroad, led you to look forward in Ireland to the expectation of a good result to a similar experiment?—No, it has not; while fully conceding that peasant owners have great virtues, and are a great advantage to the State, I do not believe that the existence of peasant owners is possible in the state of things which exists in Ireland and in England at present with the great concentration of capital and the great facilities of intercourse which exist.

3051. Will you state to the Committee what you consider the advantages of such a system to the State?—Interesting a large proportion of the lower orders in the stability and good government of the country is a very great gain, no doubt, to the country.

3052. And therefore, so far as you could secure a good class of peasant owners who would be likely to carry through hard times as well as favourable seasons, you think it would tend to increase stability?—I do; but the difficulty in the present state of England and Ireland is, that peasant owners create such a competition for themselves by bidding against each other, that in truth, after the system has once been started, the peasant owners live under a competition altogether greater, and a condition of things harder than the most screwing landlord ever put upon his tenants, the effect of which is that they have to live harder and work harder than any other class of the community. I believe it to be the case, certainly, in Belgium, and also in a large part of France, wherever the cultivation of the vine and fruit trees and things of that sort does not prevail, that the life of the peasant owner is extremely hard; he must work hard and live hard. In Belgium that competition has gone to an extent which is very serious and harmful; and it must always and so, in my judgment, because, as I have said, they bid against each other, and make a most severe competition for themselves.

3053. Then you think that the success of peasant ownerships, speaking generally, requires very strict conditions?—It requires conditions which do not exist in Ireland.

3054. What would you say are the necessary conditions of success in our country?—An amount of industry and thrift which we have not got amongst us.

3055. And, I suppose, a traditional skill in farming?—Yes, a traditional skill in farming of which there is none in Ireland; they know nothing at all about farming as any man of intelligence from a well-farmed country understands it; it is an unknown subject to them; my neighbours often wonder what one is at. I have forced them into some knowledge by proving for many years that my outlay pays; but for a long time they all believed that I was spending money upon the land merely for my amusement.

3056. I believe that you live on good terms with your tenantry and the people around?—I live upon the best terms that can possibly be with them; I never have a dispute with anybody.

3057. You will admit that the people have a great many attractive virtues?—No doubt, but

Mr. Plunket—continued.

it is a far niente way of going on, it is not like the life of working people in England.

3058. It will take some time before the traditions of old times in Ireland which produced these characteristics will pass away?—No doubt, it can only be the work of generations; you cannot change the habits of people in years.

3059. Do you find much difficulty in getting them to clear their lands of thistles, and clear up the land for farm purposes?—Yes, the getting rid of the great seeding weeds, thistles and docks upon the farms is one of our great troubles; it would pay, I will not say only with the children that they have wandering about idle, but it would pay if they had to pay out of pocket for doing it; it would pay them twice over in one crop, but you cannot get them to do it, except by a friendly threat, or something of that sort. To me farming near them, it is a desperate nuisance; I have some very good water meadows, and every year I take out enormous quantities of docks, because the seeds are brought down by the water from my neighbour's land, and left on mine.

3060. Have you seen, in the county of Cork, any instances of tenants holding upon long leases, or, in fact, on perpetuity leases?—We have a good many perpetuity leases in our district; there is a whole lowland adjoining my property that is let on leases for 2,000 years; it was let before the famine in that way. The landlord was some man in business in Cork; he offered his tenantry a lease for 1,000 years, and they said that that was not long enough. He said it did not make much odds to him, he thought, and so he gave them leases for 2,000 years. I have continually to do with this land, but the people upon it are not a quarter so well off as my tenants are. In the famine time they would have failed, but there happened to be a large family amongst them, whose brother was a priest, who was very well off, and he came forward and helped them. On the other side of the same property, there is a man with a lease of 100 years, the most splendid piece of wet land that I ever saw, with a good slope in it, but there it lies year after year untouched; in fact, it is beyond their power to deal with any seriously large job of the kind; 20 acres of wet land, they do not know how to attack; they can manage little scraps and corners, but they have not the business ideas necessary to go through with a good large piece. I have in many cases been obliged to take up from my tenants land which I had reclaimed, because they were doing nothing with it; the skill and strength of horses are wanting for carrying out the after-cultivation of a good lump of reclaimed land.

3061. Do you find these habits which you think would be in favourable conditions for the success of the experiment of creating a large peasant proprietorship in Ireland, amongst the small class of tenants or the larger ones, say those holding 25 or 30 acres?—I have scarcely any small tenants; I have only two or three tenants holding 20 acres, they mostly hold 30, 40, or 50 acres; but I have no doubt that these habits do exist in a measure amongst both classes; one or two of my little 20-acre tenants are the most industrious worthy men that can be found.

3062. You seem to have educated your tenants into very good habits, but do you think that throughout the country very small tenants are the people who would have the most energy, industry, and thrift, to make themselves valuable proprietors?

Mr. Plunket—continued.

proprietors?—I do not think that small proprietors would be able to do it, or very few of them; the small tenants have never got over the famine.

3063. You have stated that you would not like to draw a line in an arbitrary way at any particular class of tenants with whom this experiment should be tried; but, as far as you can now speak from your experience, what kind of tenant would you think, having regard to the size of his holding, would be the most likely to meet with success as a peasant proprietor?—I have no doubt that the larger tenants more than the smaller tenants would meet with success, but success really depends upon how many have made money, as compared with those who have not made money. A large proportion of my people have made money, a very large proportion, in fact, and they are in a different condition from the tenants of my neighbours, but they have been practically under English management for 40 years, my own personal management, with no agent or under agent. I have never brought in any strangers amongst them, but, as any tenants failed, I have wooded out bad farmers, and got the land into the hands of good ones; they are in very good circumstances indeed; quite unlike what you see anywhere else, so much so that when Mr. Gladstone came to Ireland last autumn, I wrote to Sir Thomas Acland an old friend of his and mine, to induce Mr. Gladstone to come and see what could be done by tenants managed in this way.

3064. Had you the pleasure of such a visit?—No; I had a very courteous answer, but the distance was too great for him to come.

3065. Do you think that peasant proprietors, under the conditions under which you see these people living in Ireland, would have a good chance of competing with the wealthy farmers?—They could not touch it; no small farmer can compete with the large farmer; the large farmer can beat him at every point; the small farmer has not the machinery, and he has not the capital with which to work and manure his farm. The whole system of high farming depends on buying quantities of manure, and quantities of food for stock, in which these little men could not compete for a moment. I got a small cargo of superphosphate from Liverpool, and other things in the same way at wholesale prices, and how could they compete with me in such things which they want.

3066. I suppose you would encourage them, whether as tenants or as proprietors, to endeavour to improve their land in that way?—All my people buy some artificial manure every year, but they do not use a half or a quarter enough of it; every one who is farming as a matter of profit, must take every economical advantage he can; I have a bone mill; I buy all the bones in the country, and make them into bone dust, and get it for half of what, I believe, the people in the next town can get it for; again, they could not well breed stock and fatten them on the quantity of cake and corn that I can; the best peasant proprietors in the world do not farm with anything approaching to the outlay and profit good English and Scotch farmers farm at.

3067. Do you think there is a tendency in Ireland among these farmers to borrow money, beyond what is reasonable, with a sanguine

Mr. Plunket—continued.

expectation of being able to pay?—The indebtedness of people of all classes is one of the great difficulties of the country; it is perfectly dreadful; I dare say the Committee have had evidence with regard to the local usurers and banks; they seem to think it makes no difference if they can borrow the money, whether it is borrowed or whether it is their own; it is most distressing with the tradespeople in the towns to hear of the amount of debts due to them from all classes. With the exception of those people who have money lying by, and do not need to go in debt, the general indebtedness is simply frightful, and one of the great hindrances to the prosperity of the country.

3068. As I understand from your evidence, both from your theoretical study of the subject and from your practical observation of the condition of things in your part of Ireland, you are in favour of carrying on the experiment of turning a certain number of tenants into peasant proprietors, very much under the conditions of the experiment which is at present conducted, with this change, that you would give such additional facilities as we have spoken of, namely, reducing the cost, and bringing the information more completely within the reach of the tenants?—I would give every fair facility that I could; I think a considerable number of small peasant owners would do good, but I do not believe in them as the means really of altering the condition of things in Ireland; the difficulty really depends upon moral causes, that is to say on the habits of the people; the true difficulty is the unprosperous state of a large part of the farmers, arising mainly from their own want of industry and knowledge; improved education, and more intercourse with other countries and ideas, will make an improvement in them, but at present I think it is a good thing to give those who have the means the opportunity of buying the land if they wish.

3069. I suppose you would not stimulate the sale of their properties on the part of well-to-do improving landlords, with the view of substituting a small peasant proprietary in their place?—I am quite sure that to make a sufficient and thorough improvement in Ireland needs the capital that all the landlords and all the tenants could bring to bear upon it for generations. My experience on that point is strong, for I have been laying out something like 800*l.* a year for over 30 years. When I began I thought that if I went on for 10 years doing that it would be quite enough; but now I find it will take not only all my life, but all my son's life to put the estate in good order, and that with a very good set of tenants indeed.

3070. I believe there is a very great want of a middle class in Ireland, both in the country and the towns?—There is.

3071. Therefore you would be glad to see substantial tenants converted into a peasant proprietary, with a view to strengthening that part of the social system?—Yes, very much indeed.

3072. But I suppose you would not be glad to see the number of the upper classes, who are already very limited, I think, in the country parts of Ireland, sensibly reduced?—No, I think not; I think our upper classes have great faults too, perhaps quite as great as those of any other class.

3073. But as a question of social balance, you would not like to see the present proprietary class

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in Ireland much diminished?—I think all that is very much better left to natural causes; I would give fair opportunities to all; I should like to see more opportunities given to well-to-do tenants to buy land and better themselves in that way if they pleased.

The O'Conor Don.

3074. I understand you to say that you do not think that such very great thrift and industry exists at present in Ireland as would justify the formation of a peasant proprietary?—I do not think that it does.

3075. It does not exist to the same extent as it exists in Belgium, I suppose?—No, not to the same extent.

3076. I presume you would like to see these habits of thrift and industry increased in Ireland?—Very much so.

3077. In Belgium a system of peasant proprietary exists to a great extent, does it not?—It does to a great extent.

3078. And in Ireland it does not?—No.

3079. In the countries where peasant proprietary exists, you find the thrift and industry are great; but where they do not exist, that thrift and industry do not exist?—But there are many other causes which go to induce thrift and industry; differences of race, for example.

3080. But you do not think that the fact that the occupier of the land being the owner in itself is an incentive to thrift and industry?—I do not see it in Ireland; I see a number of people who practically hold by perpetuities and are not so thrifty as my own tenants. No doubt there will be cases in which it will be so, but I do not think, as a general principle, that ownership would make any serious difference.

3081. At all events, in Ireland up to the present time, the system of the occupier being the owner has not been tried?—To a very small extent.

3082. And the system of the occupiers being only tenants and only holding on an insecure tenure, has resulted in there being very little thrift and industry in the country?—I would not say that it has resulted in that; I should say that the two things had no more connection with each other than the Goodwin Sands and Tenterden Steeple. *Post hoc, ergo propter hoc*, is no sound argument.

3083. Are the Belgian peasantry very well educated?—I do not know enough of the Belgian peasantry to answer that question; at all events there are habits of industry, thrift, and farming skill amongst them which our people have not at all.

3084. I understand you to say that you make twice as much out of the land as you would if you got a good solvent tenant to pay you rent?—I can make twice as much as I should like to ask for rent.

3085. You make more of the land than the average fair letting value of the country as let to tenants?—Yes.

3086. I presume we may arrive at the conclusion from that, that the tenants have a very considerable interest in the land beyond the rent that they pay for it?—I have no doubt they have.

3087. Have you seen any instances in the south of Ireland of tenants being allowed to sell that interest?—There are such things.

The O'Conor Don—continued.

3088. And when they are permitted to do so, do they get large or small sums for it?—Sometimes they get a considerable sum.

3089. Therefore the tenants have a considerable interest in the land beyond the rent which they pay?—I have no doubt the land is worth a good deal more than the rent they pay.

3090. Considering the tenant's interest or the occupancy interest in the land, do you think that there would be any danger in the State lending up to three-fourths of the purchase money?—As I said at first, I do not think it signifies much one way or the other; it is only the difference between 13 s. 4 d. and 15 s.

3091. I understood you to say, in answer to the honorable Member for the Dublin University, that if there were bad harvests you thought that a considerable number of instalments would be unpaid?—That would be the same whether the advance was three-fourths or two-thirds.

3092. You thought a considerable number of the instalments would be unpaid, notwithstanding there would be such a large occupancy interest in the land?—Yes, that was what I said; I said that if one-fourth of the misfortune which fell upon us from the famine, or on counties in England from cattle plague, fell upon us now, that result would ensue; I do not say that such a calamity will fall upon us, but if it did it would cause a considerable number of the instalments to remain unpaid; the farmers often do not know the value they have in their land through not having habits that enable them to farm better; although now and then a man will give a considerable value for his interest in the land, but does not show that it has that real value.

3093. There have been one or two bad harvests recently, have there not?—Yes, there have been.

3094. And the tenants have been running away without paying their rent?—Yes, I had two ejectments myself in January, which I have not had for 20 years past.

3095. Has there been any difficulty in getting that land taken up by other tenants?—I cannot say in reference to land of my neighbours that I vacated; I did not watch the details of my neighbours dealing with their tenants.

3096. Then your knowledge of the Irish tenantry is altogether confined to your own estate?—No, not by any means; but when you put the question like that I could not answer it.

3097. I understand you to say that you have given very great attention to the subject of the dealing between tenant and landlord, and the general question of the occupancy of land in Ireland?—So I have, so far as facts would come to the knowledge of anybody living in the country, but of course I do not know the details of other landlords' offices.

3098. You have not heard any landlord near you state that he had any difficulty in replacing one tenant by another?—I have never heard that.

3099. What is your own private opinion upon the subject; is there any difficulty in replacing one tenant by another?—Not very much, if you are not too stiff about the rent; but, in getting the rent you might think the land worth, there would sometimes be great difficulty.

3100. Do you think that the rents have been reduced in Ireland the last two or three years?—Yes, when a new letting took place; rent in Ireland

## The O'Casey Don—continued.

Ireland goes up or down according to good or bad years; in a bad year you cannot get the same price for land as you can in a good year; it is like the value of any other commodity.

3101. Are you aware of any holdings within the last two or three years being let at a lower rent than they had been previously let at?—No, because I do not know the terms on which other landlords deal with their tenants; I see changes of tenancy, but I do not know whether there has been a change in the terms.

3102. You then arrive at that conclusion only from abstract principles?—No, I have let land myself, and I know that sometimes I could not get the rent which I thought the land was worth; then times have improved, and I could get tenants to give me the proper rent for it.

3103. You state that the bad harvests have caused the rents to fall, and I ask you if you can quote any single instance in which the rents have been lowered?—I have no case within my recollection in which it has been so.

3104. Then, does it not come to this, that you have arrived at that conclusion on abstract principles without any personal knowledge?—I do not think it does, because I have had experience of other periods of good and bad years, and I know of my own knowledge that, when times are bad, tenants will not give that price for land which they will when times are good.

3105. That is, in one sense, speaking on abstract principle, is it not?—In one sense it is, but it is also speaking from experience.

3106. From your knowledge of the occupying tenantry, do you think that the great majority of them would wish to become the owners of their farms?—I do not think, under good landlords, the majority would care anything about it.

3107. But, when an estate is offered for sale?—I think it would very often happen they would.

3108. Would you say, in the majority of cases?—I could not say whether in the majority of cases they would or would not; I do not think you would find that the majority of the tenants would buy, even if you offered them reasonable terms; I think you would find that there would be considerable residences left unsold.

3109. If they had the means of buying, do you think that they would buy?—If they had the means, no doubt a good many would like to buy.

3110. I did not quite understand your answer to the honourable Member for the University of Dublin, with respect to the very intense competition that would be created by the institution of a peasant proprietary; would you kindly explain it a little further?—Whenever the system of buying land becomes general, the occupiers or owners bid against one another, just as they do in France and Belgium at the present time; anyone who has read any account of the condition and habits of the peasant proprietors in France and Belgium, knows that they often bid against one another, almost beyond the value of the land; that is the continual and great complaint, and a main cause of their hard lives.

3111. Would not that be a very great security against their allowing the land to go away from them by default?—No doubt. As I said at the beginning of my evidence, I did not believe default was a matter of will, but that it was a question of power, just as it was after the famine amongst numbers of the Irish tenants.

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## The O'Casey Don—continued.

3112. Would not the same fact be a great inducement to thrift and industry?—It would, according to their lights and development.

Sir Joseph McKenna.

3113. Do you know the main features of Mr. Vernon's scheme?—I read the evidence and I think I understand his proposal.

3114. There was one point to which I scarcely think, from your evidence, you have given much consideration. Do you know that Mr. Vernon did not propose that any valuation, determined by his Commission, should be forced upon the vendor?—I was quite aware of that; but still, for all that, the valuation was the basis on which the Commission was to proceed.

3115. Mr. Vernon's scheme, as to valuation, was this: that that was the basis on which the Commission would bid for the land. Do you see anything objectionable in that?—Only the uncertainty of the valuations. I have no doubt, as I think I have said before, that if the valuation is taken as the minimum, you may use it just as when I have bought land myself; I had to make a minimum reckoning in my own mind of what it was worth; but I do not think you would get the full value of the land in that way.

3116. Then, according to Mr. Vernon's scheme, no harm would be done, except stalling down a valuator to no purpose?—Yes; and then if they tried to buy for the full value, the most the tenants could afford to give, I think the valuation would be uncertain.

3117. Have you considered this fact, that the conditions under which the parties would respectively buy and sell were not to be completely a counterpart one of the other; do you not know that whereas the Commissioners were to buy with the fund at their disposal, they were to receive repayment for that fund spread over a period of 30 or 35 years?—I understand that.

3118. What I wish to know is this, whether you have considered that the advantages which would be thus afforded to a certain class of new small investors would not be sufficient to enable them to make good their engagements to the Commission, even under, comparatively speaking, adverse circumstances and high prices?—I do not think if you sold to unprosperous tenants they could possibly do so; if you sell to a fairly prosperous tenant, I think very likely your view is correct, but in regard to unprosperous tenants I do not think it would be so.

3119. The honourable Member for the University of Dublin, when examining you, put very properly before your eyes the danger and disadvantages of revolutionising the proprietorships of Ireland (as to which I agree with him if it were to be a revolution) by a scheme like Mr. Vernon's. I wish to ask you if you have considered what is the maximum extent to which that scheme, if carried out to the full, and as rapidly as possible, could effect a proprietary transformation?—I have not considered that point, but I should not be afraid of the scheme on that ground; I should, however, be afraid that if the number of these unprosperous purchasers were large, and the whole thing turned out disadvantageously, you would be creating the idea that Irishmen must look to Parliament for prosperity instead of to their own exertions. I am not afraid of any change of proprietorship or any abstract change of that sort. I am convinced that

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the leading principle of doing any good in Ireland is to make all feel success depends on their own industry and exertion. My own people are better off for that reason, because I have brought that spirit of self-reliance home to them.

3130. You only fear that it may not operate financially as a success?—I fear that it would fail to be a success.

3131. Have you considered the principles upon which the Church Commissioners, whose operations seem to have suggested this scheme to Mr. Vernon, have proceeded?—In a measure, I have.

3132. The Committee have had evidence before them with regard to the prices which were obtained for the residuary lots which have been sold. Your idea, I understand, is this, that such prices could only be obtained for the residuary lots, because they were, as you term them, plums?—My view is that both plums and residue sold very cheaply, but the plums had been taken out before the residues were offered for sale.

3133. But it turned out that the residue which was thrown out, and which the occupants did not deal with the Church Commissioners about, sold at a slight advance upon what the tenants could have got them for; are you aware of that?—Yes, I am quite aware of that; that is what proves my point.

3134. The point that it proves is quite another thing; I wish to call your attention to the fact, that as far as any experience goes, it does away with the apprehended danger about honeycombing the estates purchased by the proposed Commission?—If the Church lands were all sold too cheaply, and the lands which it is proposed to deal with in the future are proposed to be sold for their full value, it does not do away with that danger in the least.

3135. But your proposed object would be met by the operations of the Church Commissioners, unless it turned out that the Church Commissioners sold their lands too cheaply?—That must be the explanation; I said I could not reconcile it to my mind, and I cannot account for it, that after the land had been honeycombed, anybody would give as much for the residues as had been given for what I called the plums; I cannot account for it in any way according to my experience in Ireland.

3136. As far as that is concerned, their experience is a problem for you, which you have not as yet solved?—Quite so.

3137. Now I wish to ask you if you have considered that the Commission, in the way they would sell, receiving payments spread over a considerable number of years, affords quite a sufficient inducement to the persons whom they have to deal with to give a fair and good price for the land, even for the residues, and that that may account for the price which the residues fetched?—I have considered it, but I do not think that would account for it, because both have the same advantage.

3138. In the one case, an offer was made to an individual in every instance, and in the next case the land was offered as it were to all the world?—It was not offered to the public on such advantageous terms, I think.

3139. It was put on somewhat harder conditions, that is to say, in point of time, not in point of price?—And upon the point of instalments also.

Sir Joseph McKenna—continued.

3130. In point of time they put somewhat harder conditions on the public than they put on the tenants to whom they made the first offer; they nevertheless took proposals spread over these shorter periods of time, for realisation, and succeeded on the whole in getting higher prices than those for which they offered the land to the tenants?—I am very much surprised if it is so; I cannot understand it even now, and your suggestion does not seem to me to account for the facts.

3131. Now you stated in the course of your very intelligent evidence that you thought all the capital of all classes in Ireland was only sufficient to work the land?—To improve it and work it.

3132. And you included, I think, the capital of the landlord in that assertion?—Yes.

3133. And so far as they have money, the capital at their disposal?—Yes, what they could fairly raise on the principles and in the way that an English landlord would treat his estate.

3134. Now have you any definite notion of what the whole amount of the money capital of the tenant occupiers in Ireland amounts to?—I have I think a definite notion of it, that is to say, I know the whole of the money in the hands of banks, and the savings banks, and I know that a large part of that does not belong to tenants. I can only guess how much belongs to tenants and how much belongs to other people. I know that there are somewhere about 28,000,000 £ or 29,000,000 £ in the hands of banks, or were a few years ago, and 4,000,000 £ in savings banks, and as far as I could make out from statements which I have heard made, less than half of that belongs to the tenants. I should say that not more than 13,000,000 £ or 14,000,000 £, as far as I could judge, belonged to the tenants. I went into the matter with very great care, for the purpose of a paper which I wrote, which was published in "Fraser's Magazine" two years ago.

3135. Your opinion is that the capital available for working land in Ireland is very small?—It is very small; this money in the banks you mention is only 1 £ an acre for all the land in Ireland; and 1 £ an acre will not work land, nor will 5 £ an acre.

3136. You make it out from your investigations that the tenant class in Ireland have got 15,000,000 £?—I make it out to be that.

3137. I make it out to be something more than that?—I have often heard it stated in Ireland that about 13,000,000 £ was the amount in the banks which was held by tenants out of the 28,000,000 £ or 29,000,000 £ deposited; but, of course, I do not know exactly on what grounds that estimate was based.

3138. I know one bank, which is not the largest bank, it is not the Bank of Ireland, but which has from 7,000,000 £ to 8,000,000 £, which I know to be all money belonging to tenants; does that surprise you?—I can only say that it surprises me very much; I have seen no definite calculation of that kind at all; I have talked to bank managers and other people about it, and the general opinion is, I believe, that one-half of the amount deposited belongs to people in towns, tradespeople, and people outside the land, and that about one-half, or rather less, belongs to tenants.

3139. When you put down 15,000,000 £ as the number of acres to be worked, and upon which capital

Sir Joseph M'Kenney—continued.

capital requires to be expended, does not that include all the mountain land?—No; there are 15,000,000 acres of land available for farming; then if you deduct the land in the hands of owners you get about 15,000,000 in the hands of tenants; it would not all be the best land, but land capable of being improved, and land which is being farmed.

3140. If you found that these people who have these 15,000,000 of acres have 15,000,000 l. of capital all round in the bank, you would not think they would commence with a positive scarcity and risk, would you?—I certainly think they would commence with very great poverty and risk; I should be very sorry to let 50 acres of mine to a man who had only 50 l. to work them with.

3141. But you must bear in mind that they must have all their farm stock already?—Yes, but then, on the other hand, they must purchase all their manure. My farm costs me 1 l. per acre per annum for manure and food for stock and, I daresay, in a few years it will take 2 l. per acre.

3142. But we are only making an estimate; the men would have that money in addition to their stock, and everything else which they would have?—But that is not nearly enough; if the tenants are to make all these improvements of draining and buildings, and all the things that are required upon a neglected Irish estate, the capital required will be something enormous. I reckon that I have spent nearly 50,000 l. upon this estate of 4,000 acres within my time, and the work is only half done. Although it looks different from my neighbour's, no doubt, still much remains to be done.

3143. It is a work of time?—Yes, it is a work of time, but in the meantime it will take three generations to do it, even if you have all the capital available. My whole life has been devoted to it; I have given up a large slice of income every year to that object. I feel sure that you are very greatly under-estimating the amount of money which requires to be spent upon the land. Any man who really understands farming will find that the money required to improve and farm well on ordinary Irish estates is something enormous, and the co-operation of landlord and tenant is the only way in which it can be done in any reasonable time.

3144. Or by a man being the proprietor of the land himself, as in your case?—He must get the money the same as another; he must supply the place and the capital both of landlord and tenant.

Mr. Brown.

3145. Pursuing that portion of the subject, let me ask you this question: with your knowledge of the capital that is necessary to work land profitably, taking an ordinary well-to-do tenant, of a fair-sized farm in Ireland, do you think it would be best for your interests to be a tenant or to be the owner, having to buy the fee?—I have no doubt that far more money could be made by an intelligent tenant treating his tenancy as a matter of business, and understanding how to farm well.

3146. Therefore, if in one case it is better for the interest of the individual to work the land as a tenant than as a landowner, taking the aggregate of individuals, is it not necessary to come to the conclusion that it would not be so very much

Mr. Brown—continued.

to the benefit of the community if a very large number of tenants were turned into proprietors?—I do not know that I should like to say positively. The other advantages are such that I should like to give small ownerships a thoroughly fair trial; it is one of those questions which can only be solved conclusively, so far as I can see, by experiment. My opinion is, that the climate of Ireland is very adverse to small occupations, whether as owners or as tenants; the climate is so immense difficulty in Ireland; tillage does not pay anybody, tenants just as little as landlords. Even before the famine the constant cry with tenants was, "Give us a little more land, so that we may be able to lay what we have in grass, and till the remainder." The climate is capital for grass, but with the very best farming we cannot grow corn; it is a most disheartening thing to me, because the better I farm, the worse corn I grow. There is sun and heat enough to ripen a thin crop of corn, but not enough to ripen a pretty heavy crop. If I go home in July, I see a beautiful crop of corn on the land, which you would think must be worth a good deal, and when harvest comes it is worth very little; but the tenant, over the fence, with a short, poor crop, finds his crop will ripen where mine will not.

3147. Comparing Ireland with Belgium, I suppose you see one reason why an Irish tenant proprietor of a small holding might possibly come to grief, when a Belgian with no greater industry and thrift might succeed?—Yes, no doubt; the rainfall in the south of Ireland is more than double that of Belgium.

3148. It has been stated by a witness before this Committee, that a large increase of the very small proprietary class would to some degree solve the labour question; that is to say, you would by those means have always available a number of persons as labourers, provided they had the power of buying their acre or two acres of land, and becoming proprietors; do you think that that would be the result?—In the south of Ireland the labouring class has almost wholly gone. When the famine came upon us we had no many labourers as we had tenants, and there are now no labourers except those employed by gentlemen, and those employed about the towns; it is only the very worst class that is still employed by farmers; the farmers will not pay the wages which it is necessary to pay, namely 10 s., or 12 s. a week, in order to procure sufficiently good labour, so they get the refuse only.

3149. Do you think that if a certain number of individuals were possessed as owners of little plots of land, say a couple or three acres, or something of that kind, that would supply the deficiency of labour?—No, I do not think it would at all.

3150. Your experience of the small class of proprietors holding two or three acres of land, probably is, that they prefer to live upon their little holdings without troubling themselves to do outside labour at all?—We have no small tenants of that size about us at all left.

3151. Do you think it would be safe to allow of subdivision of these holdings?—The tendency to subdivision with us has quite vanished; the farmers' sons themselves have come to feel that there is no good to be got out of a small piece of land; so that I do not think there is fear of subdivision. We have had some very curious instances

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instances of farmers' sons refusing to hold fair portions of their fathers' land, even with the prospect of getting the rest of it; they say they would rather go away somewhere else; that they could not live upon it, and would never be anything but paupers.

Sir John Leslie.

3152. Have you any personal experience of the state of agriculture in the north?—I have not; I was through the north, but many years ago.

3153. Then you will be unable to give any evidence as to the thrift and energy which is to be found there?—Entirely.

3154. As regards farmers on a small scale, would not the climate of Belgium and Germany be very much more in their favour than the climate of Ireland?—Very much more so, because corn growing would be profitable in those countries; whereas we cannot grow corn in Ireland. When I first went to Ireland we used to grow wheat very well, but now we cannot grow it; and there is nothing so important on a small farm as wheat, except potatoes; but a small farm must very largely consist of tillage, and that is not profitable in Ireland.

Mr. Errington.

3155. You mentioned that to complete the improvements you were carrying out, it would take your own lifetime, and probably the lifetime of your own son; would you state, generally and briefly, the nature of the improvements to which you referred?—The soil of my farm is what farmers would call a mixed turnip loam, but it is hilly, and runs into bottoms which I have drained; the whole of it was covered with old fences, and the buildings were most insufficient; I have done away with many of the old fences and built new ones, and done all the drainage, but much work in getting rid of the remainder of the fences and building new ones, and putting up buildings still remains to be done.

3156. Are you there talking of land in your own hand?—No, I am speaking of land in the hands of the tenantry; I have done all improvements for the tenants since the passing of the Land Act. If it is a permanent improvement I can do it better and much more cheaply than they can; in fact, I have had tenants come to me, and ask me to do the work and let them pay for it, because I have an intelligent Scotchman to supervise all the work that is done, and better labourers and workmen.

3157. Do you charge any percentage to the tenants?—For any definite improvements I do, such as building or draining; the draining is mostly done, but for building I charge one shilling in the pound, or 5 per cent.

3158. Do you think there is a class of work, such as the reclamation of waste land, and the enclosing of outaway bogs, which can be very much better done by a small tenant than by a large tenant?—No, that is not the case at all; they are quite incapable of doing that sort of work except in very small patches; a little patch of a quarter or half an acre they can manage, but anything involving 10 or 30 acres, they cannot touch; they have not the knowledge or experience necessary for it; they have never done such a thing before in their lives, and do not know how to go about it. In these bogs gene-

Mr. Errington—continued.

rally, it is not one man's land that has to be drained only, but there are two or three depending on the same outfall, and there you get at once with tenants into an inextricable puzzle. I had a considerable tract of land, about 30 or 40 acres, which had been joined to farms in the upland which had been held by tenants. When I came to it, the outfall, by taking it down to the lowest point, and draining the whole 40 acres together, I was able to do it cheaply and easily; but the poor tenants could never have done it without uniting, because there was no fall for separate less. Small tenants will never unite for a job on any terms.

3159. With regard to the difficulty of getting labour, I presume that the land in your occupation is principally grazing land?—When I take on labour at the proper season permanently, I can get all that I want, but if I have an outlying or extra job for a season I cannot get extra men; I, therefore, keep a number beyond what I want for the farm and carry on improvements steadily with them, leaving extra jobs till their term comes.

3160. Do you provide them with houses?—Yes, I have built good houses for almost all my labourers, with a quarter of an acre of land each.

3161. Do you find any difficulty arising about the tenure?—No, the houses are in my own occupation; I charge no rent, and, therefore, I have only to put my foot inside and say, "This is my house."

3162. You say that a farmer could not and would not employ labour, would not that apply more to a farmer who occupies 40 or 50 acres and requires labour; whereas the small farmers would work their land with the labour of the family?—The land is now with us all in grass, except that which the labour of the family can cultivate; the tenant may have a servant boy whom he takes by the quarter, or he may have one or two useless men whom I should be sorry to employ on any terms, to whom he gives wages which will just keep them alive, but substantially the work is done by grazing and dairying as much as possible, and the farmer's family doing any tillage desired, and that is what our climate lends itself to.

3163. Your conclusion is this, that in these days large farming must pay better than small farming?—I have no doubt about that at all; it has been absolutely proved that the surplus produce available for sale from a large farm properly farmed is much larger than the surplus produce from a small farm, after feeding the occupier's family, can possibly be.

3164. But as you admit that the land must remain in small holdings for a considerable period, you are inclined to give a fair trial to the system?—I am inclined to give a fair trial and a large trial to the system for the sake of the indirect and temporary advantages to be got by it.

3165. You have no reason to think that consolidation has been going in the last year to any extent so as to tend to do away with farms of 20 or 30 acres?—I do not think there has been any active consolidation going on, but when a farm becomes vacant it generally goes into the hands of the adjoining tenant or the landlord takes it into his own occupation.

3166. I suppose you do not consider arable farming likely to pay better than grass farming?—I do not think that in our climate you can



Mr. Errington—continued.

ever make arable farming pay; we can grow stupendous crops of Swede turnips, but I do not think we can make anything else except grass grow so as to pay.

Chairman.

3167. I suppose you are only speaking of your own part of Ireland?—Quite so.

3168. That differs very much from other parts of Ireland?—I have no doubt it does; if you look at the ruin map, you will see that there is more ruin in the south of Munster than in any other part of Ireland.

3169. The farmers in other parts of Ireland grow corn, do they not?—Yes, I know they can in some parts of it; the climate here runs north and south, not east and west, as is also the case in England, and you will find in the counties of Wexford and Dublin, and skirting up that way to the north, they can grow corn better than we do in any other part of the country, and it is just the same in Scotland. On the east coast in Sutherlandshire, they can grow wheat, whereas it cannot be grown on the west side of Scotland at all, as you go northward, you get a longer day and so greater heat for corn. 300 miles further north makes a great difference.

Mr. Errington.

3170. At all events you are in favour of giving a fair trial to the system of creating a peasant proprietary?—I am.

3171. Without unduly forcing the system?—Without hot-bed forcing, as I have described it.

Mr. Ferner.

3172. I suppose the liberal arrangement upon your property draws most of the labour of the district to it?—Lady-day and St. Patrick's-day are the usual times of changing with us, and I can get almost any number of labourers I please at this time of the year; I get the best pick of the district, but then I pay 10s. and 12s. a-week, and that is above the average pay.

3173. Therefore the best labour is concentrated upon your estate?—I do not think it is in consequence of that, because I have not so many, but those that I have are better labourers than the average.

3174. In the case of a very small holder, do not you think that if in a country like Ireland purchases are made by a very large number of small holders, the probable result after some years would be a return to the present state of things, that is to say, that the circumstances of these very small proprietors would be such that they would be obliged to dispose of their holdings?—I think they would; I think the habit of indebtedness is the most grievous mischief amongst us; the habit of the people in going security for one another is most mysterious to me; there is a kind of popular feeling on the subject which is ruinous, and in spite of numbers being let in from so going security, it is marvellous how the practice goes on.

3175. Then if this scheme for making peasant proprietors were extended to very small proprietors, it might defeat its own object by tending to ultimate consolidation, might it not?—It might; I do not think it would do any good with very small proprietors, but I would try the experiment nevertheless.

Q.51.

Mr. Wilson.

3176. When you talk of the absence of industry and thrift in Ireland, you do not include the north of Ireland, I presume?—I do not know anything about the north of Ireland; they are dashed with another race and also have a deal of manufacture amongst them.

3177. You talk of dairy farming in the south of Ireland, do you not?—Yes.

3178. It has taken the place of agriculture in the south of Ireland, has it not?—I think it has; the increase of grass in the south of Ireland is very great indeed.

3179. Do you know that bad harvests do not affect that very much?—No, they do not; but a season which causes bad harvests is often very unfavourable for cows too; it is curious how much the produce of cows depends upon a favourable season, that is to say, a sufficient union of warmth and moisture.

3180. You spoke of the small tenants having never got over the famine yet?—Never; they have struggled on since then.

3181. If that be so, how do you account for their having 15,000,000 l. in the banks?—But these are the large holders; my tenants average something like 40 or 50 acres a-piece.

3182. And they have money in the banks?—Yes; I had a tenant three or four years ago who telegraphed to ask me if I could send him 30 or 40 tons of guano from London, as he could not buy it in Cork; I answered I could if he would send the money; and by return of post, I received a bill for 550 l.; that was a man who wears a long-tailed blue coat, with brass buttons, and knee breeches.

Mr. Foy.

3183. What is the tenure of the 1,000 acres which you farm?—Most of it is held in fee, and part of it is held on lease for ever.

3184. What is the nature of the improvements which you have made on your land?—I have drained the whole of it that wanted draining; I have levelled all the old fences and built new ones where they were required, and I have built sufficient farm buildings for the system of farming which I pursue; but I keep 600 sheep, so that I do not require so much farm buildings, and I have also built labourers' dwellings.

3185. Are these improvements you have made what we should class as permanent improvements, such as deep drainage?—Yes.

3186. Supposing you were tenant from year to year, would you have been able to do so?—No, not unless I had a lease.

3187. Would you expect your tenants to make such improvements?—No; I think they cannot do it so well as the landlord.

3188. You say that the result of the experience of your cultivation is, that it produces you double what you could let the land for?—Yes, it does.

3189. Is it not the natural inference that, if a tenant could have his tenancy converted into a perpetuity lease, he could make the land pay double what it does at present?—If he had the means, and industry and skill, he might do so.

3190. Do you not think that the result of such a case as yours has proved conclusively the benefit to the country which would inevitably ensue if the tenants were perpetuants?—No, I do not think so.

3191. Your objection to the facilitating of these

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these peripatants was a strong one on the subject of instalments; it being your opinion that non-payment of instalments might place the tenants in antagonism to the Government?—I think it might.

3192. Would not an instalment payer be, as regards the Government, in a more favourable position as a tenant, than any ordinary tenant at present?—I think he would.

3193. For the reason I assume that he had given one-fourth of the security, and was only paying on three-fourths?—Yes.

3194. Supposing that a few years of famine were to occur, would you not assume that, on the recovery of the country, the instalments would, as a consequence, be removed?—I do not think they would; I think the tenant purchasers would find it a very fine opportunity of getting rid of their liability. Once you have intermitted the enforcing of your instalments, it is all up with you.

3195. Have not people fallen into the old groove since 1848?—No doubt, but that is 30 years ago. In course of time, habits become established. On the other hand, they would talk about the tyranny of the Government insisting upon the payment of the instalments, and if, besides, the plan of Mr. Vernon were adopted, taking the church money for such advances, never a penny would be paid; everybody would say, "It is only the church money; who cares about that."

3196. Would you not admit that the Government, being entitled to those instalments which were year by year being wiped entirely away, would as regards that terminable rent be in a far better position for facing these men than a landlord whose regular rent, once in arrear, might be very possibly lost?—I do not think it would; I think there would be a prejudice against the Government which there would not be against a landlord whose private interests were concerned; I think you would have a prejudice introduced which would very much increase the difficulties.

3197. Now you say that, in such a case as the Government being obliged to resort to sale to recover their property, there would be nobody to buy in again; you also say that competition has driven the price of holdings to a very unfair scale; how do you reconcile those statements?—I was not speaking about competition in Ireland especially, and I was not speaking about the same time. In a time of distress you would not be able to get your instalments; in times of prosperity the competition would be so raised by one bidding against another, that I believe buyers would be greatly damaged in that way after such a system had become established.

3198. As I understand, one of your main objections to the system of valuation proposed by Mr. Vernon is, that all valuations is practically by rule of thumb?—Yes.

3199. Is it not the fact that a man purchasing in the Landed Estates Court at the present day, looks in the first instance to Sir Richard Griffith's valuation as the fair test value?—Certainly not as the fair test of value.

3200. Adding thereto the usual 25 per cent.?—Certainly not, as far as my experience goes; on the contrary, I have bought land at double Sir Richard Griffith's valuation, and made a capital speculation of it, too; it is paying me 10 per cent. now. In the south of Ireland Sir

Mr. Fay—continued.

Richard Griffith's valuation is most uncertain; not intentionally so, but from natural causes.

3201. The honourable Member for Armagh asked you whether the result of creating these peasant proprietors would not be, that after a few years they would part with their holdings, and the same thing would have to be done over again. Is it your experience in the south of Ireland that there is much parting with holdings among the smaller class of farmers?—There are more changes amongst the smaller class than amongst the larger class, but for a great many years we have not had many changes on one class or the other. Until the last three years the country was so prosperous and thriving from high prices that everybody was able to get on, even though they were in substance indebted, and very poorly off.

3202. Take your 3,000 acres let to tenants; I would ask you how many family changes, that is to say, from one family to another, there have been?—There have been very few indeed; my work was done early; the property was very much neglected for many years before I took it in hand; I began by letting the tenants understand that as long as they worked well on their farms, and paid their rents, I would not raise their rent during their lives, but that they must pay their rent; I got rid of all who did not pay, and the famine coming after made a great clearance on my property.

3203. I understand that you being a very good landlord, practically told your tenants that they were perpetuity tenants upon your honour, as long as they paid their rent?—As long as they lived, but when they died I raised the rents considerably; I said to them, "I tell you beforehand there will be a rise at each tenant's death, but not till then;" though I do not let it sit all under the value after making due allowance for their capacity for farming it; I do not let the land for what I could make out of it, for I have to take into account that they are not good farmers, and that I must allow for that, but subject to that I do make a substantial increase whenever a man dies.

3204. Then whenever a tenant did not reasonably object to that increase of rent, you would not change the family?—I would not if he were an honest and respectable man. When one has lived amongst them for 40 years, and seen many grow up from children, and they have been friendly with my children, and all sorts of kindly intercourse has gone on between us, there can be nothing but good-will between landlord and tenant in such circumstances.

3205. Is there that same tendency all over the country?—Yes.

3206. Has it ever struck you that to legalize that good feeling would not be a bad idea?—No, I think it would spoil it; I think the Land Act has done more to destroy good feeling between landlord and tenant than anything that has ever been done.

3207. Is not that from the altered conditions which it has brought about?—No, I do not think so; I do not know what more tenants can have than compensation for permanent improvements; for unexhausted manures, and a premium of four or five years' rent against the landlord if he wants to raise the rent; I can only say that I should be delighted to hire 2,000 or 3,000 acres on those terms to-morrow for 31 years at the present rents.

3208. There

Mr. Fay—continued.

3208. There was a very extensive land agent examined before this Committee on its last meeting, Major Dalton, who gave evidence to this effect, that the result of creating a peasant proprietary would be the creating of a Conservative body of men; as a constitutional man you would agree with that view, I presume?—I think very likely it might do so; I should be glad to see it tried; I do not think, looking at the condition Ireland is in, that anybody can say what will be the result of any new plan one way or the other, therefore I should like to see the experiment substantially tried without going into the matter head over heels.

3209. Would you call the results of the sales through the Landed Estates Court satisfactory?—I do not think the experience has been sufficient, and I think there are too many formalities.

Chairman.

3210. You have no objection to seeing the scheme tried on a substantial scale?—No.

3211. Now, looking mainly to the working of the Land Act, would you consider its working in the past to have been on a large and substantial scale?—No, I do not think it has been.

3212. Supposing it were confined to that number, of 100 sales a year; in the future, do you think it would be a substantial success?—I think 100 cases scattered over the country is not a fair trial to the scheme; I should like to see what the honourable Member for the Dublin University spoke of, namely, making it better known to the people.

3213. Have you considered the working of the Act in the Landed Estates Court, so as to see whether these small alterations will produce any substantial result?—No, I do not know enough of the practical working of the Court to be able to say, but I have a strong impression myself that the whole cost of conveying land might be reduced; I believe the law expenses are a great difficulty.

Mr. Finlaid.

3214. Have you seen the greater part of the evidence which has been given before this Committee?—I have read most of it.

Chairman.

3215. Have you read the evidence given by the officers of the Landed Estates Court, and that given by Mr. McDonnell particularly?—I have.

3216. Did you read the statement made by Mr. McDonnell, that by making these amendments, such as you have suggested yourself in the way of reducing the costs, and so on, the number of sales in the Landed Estates Court might be doubled, but not more?—I do not think I observed that.

3217. Supposing the number were doubled, should you think that was enough to constitute a substantial trial?—I should not think it was enough.

3218. Are you aware that the principal difficulty in working this matter through the Landed Estates Court arises from the difficulty of offering the tenants their lots separately, so that they can each separately buy?—You can see that that is the great difficulty; but my view is that that is a difficulty inherent in the nature of the case. You cannot avoid that; the only course

Chairman—continued.

is to divide the estate into as small lots as you can, and urge upon the parties to agree together for each small lot.

3219. Do you think it would be fair to urge upon vendors to divide their land into lots?—Not compulsorily, certainly.

3220. Let me point out to you, first, that the difficulty which has arisen is that of breaking up properties in such a way that the tenants shall each have an opportunity of buying; I understand you to say that it would not be fair to throw it upon the owner?—Certainly not.

3221. Have you considered Mr. Vernon's scheme specifically with regard to that difficulty?—I think I may say I have.

3222. Mr. Vernon's scheme is this, that where a certain proportion of the tenants upon a property are ready to buy, with the view of facilitating the arrangements and offering the property to tenants, the Commission shall buy the property in gross and break it up, and then sell the lots to those tenants who are prepared to buy their holdings, and then sell the residue?—I believe that describes Mr. Vernon's scheme.

3223. Do you see any objection to that?—I am afraid I do not see any way to making that a practical scheme.

3224. Is there anything else which occurs to you upon the point?—When I read Mr. McDonnell's evidence I thought very much about it, but I cannot see any way to get over the difficulty.

3225. Do you see any method of trying the plan on a practical scale?—I do not, nor do I know whether Mr. McDonnell is right in saying it would only double the number.

3226. Assuming it would only double the number, do you think that is a substantial scale upon which it is worthy of the Government of the country to try the scheme at all?—It is worthy of it if you cannot get anything better, but I would rather see the experiment tried on a larger scale, if I could.

3227. Would you call that a substantial trial of the whole thing?—I do not think it is.

3228. Have you worked out in your own mind any scheme upon which it could be substantially worked?—I have not, because I did not know that the difficulties of the Landed Estates Court were so great as they appeared to be when I read Mr. McDonnell's evidence.

3229. Supposing that the only way of trying it on a substantial scale were that suggested by Mr. Vernon, namely, that when a fair proportion of the tenants of a particular property in the Landed Estates Court were prepared to buy, the Commission should buy the whole lot and then sell it to the tenants, and then afterwards sell the residue, do you think there would then be danger of loss?—I do think there would be danger of loss.

3230. What danger do you think there would be?—There would be the difficulty of dealing with the residue; I do not see how you could avoid a loss upon the residue.

3231. Do you think that that loss would be considerable?—That is a matter upon which neither my opinion nor that of any other witness would be worth anything, and Mr. Vernon's opinion can be worth nothing upon that point, as the whole thing is purely speculative.

3232. Would it not be worth while to try the experiment?—That is a very difficult question to answer.

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3233. I understand you to say that whoever had the conduct of this, or of any other scheme for increasing the number of peasant proprietors, should feel their way cautiously?—I think they should feel their way.

3234. And go on gradually extending the system if it were found to answer?—Yes.

3235. That contemplates somebody undertaking the duty?—An individual or body; I have a great preference for individuals in Ireland; but then I should like that individual also to have the power of arranging the other conditions with respect to the sale in the Landed Estates Court. I have a very strong impression that there are technical difficulties in the way which need not be there, and that if Mr. Law, and other gentlemen like him, laid their shoulders readily to it, a great deal more could be done than even has been suggested in the way of lessening legal difficulties.

3236. But supposing that the officer of the Landed Estates Court were to say that even after getting rid of those difficulties the number of sales had been more than perhaps double those now made, would that, in your opinion, be a substantial trial?—That was not what I intended by saying a "substantial trial."

3237. Then, what would you consider a substantial trial?—The number, which is now 1,000 a year, includes the Church Commissioners' and the Landed Estates Court sales.

3238. Supposing 1,000 sales a year could be continued for the next ten or twelve years, would you consider that a substantial success?—Yes, I should; but I cannot imagine the Government of the country going on selling land at a loss upon these residues, such as I think there would be; I cannot conceive that that should be allowed to go on for any number of years; it might be tried, but a large scheme, I think, would be very dangerous.

3239. At all events you think it might be worth trying to the extent of limiting the sales to something like 1,000 a year?—Yes; because at the end of ten years a substantial number of the instalments would have been paid, so that you would not get very deeply into the experiment until a large number of the instalments had been repaid.

3240. You would not mind trying the experiment to the extent of 1,000 tenants a year?—I would not.

3241. Do you know what that would amount to in money?—No.

3242. Do you know what the average rent paid in Ireland is?—I do not know that.

3243. Would you be surprised to hear that it was 35 £ a year?—I think you would find that the large tenants more than the small ones would pay. I do not think the smaller tenants have the money.

3244. How do you account for their having bought under the Church Commissioners?—I cannot tell you that at all; there has been no sale under the Church Commissioners in my county that I know of, and I have no knowledge of how it has been brought about; there are so many countervailing considerations in Ireland about everything, that you cannot, without knowing the whole of the facts, form a fair judgment about anything.

3245. At all events, you think the experiment might be tried to the extent of creating 1,000 peasant proprietors a year for the next 10 or

Chairman—continued.

20 years?—I would, but I would not have it continued if there proved to be a loss. I think that would be ruinous and unbearable altogether.

3246. You would be favourable to the creation of small proprietors, though you do not think the production would be much increased?—I think that political considerations make it desirable to recognise the difficulties which arise from the want of such a class. I think it is a good thing to give the tenants an opportunity of investing their money in that way if they please, but I never can free my mind from the question why those tenants who wish to buy should not pay a great deal higher than they do, and whether there is not an outlet from the difficulty by the tenants who buy paying a much higher price, and I am the more led to express that view, because one of the honourable Members asked me whether it was not a great gain to them to be able to get money upon those terms.

3247. You think it is possible that tenants might be induced to give a much higher price in the future than they have in the past?—I think so.

3248. Would it not be worth while, then, trying a scheme like Mr. Vernon's, on a small scale, to see whether, under such an operation, the tenants on a portion of a property might not buy at such a price as entirely to get rid of the loss upon the residues?—I cannot say altogether that Mr. Vernon's scheme approved itself to me as a practical one, and one that would work; but some such a scheme, I think, could be contrived which would work.

3249. Let us take the case of property sold in the Landed Estates Court where one half of the tenants are anxious to buy and the other half of the tenants are not anxious to buy, and whence owner does not like to take upon himself the risk of putting up the holdings so that one-half the tenants can buy. How would you deal with such a case as that?—As far as I have observed lately, land which has been sold in our county under the Landed Estates Court has been divided into much smaller lots than land used previously to be divided into. There is a tendency upon the part of owners and solicitors to divide into lots as small as they can conveniently; they think it is for their interest to do so.

3250. But not into lots so small that the tenants can conveniently buy them?—Not very far from it; at all events quite small enough to facilitate one or two of the tenants agreeing together to buy different lots.

3251. It has been represented to this Committee that the main difficulty is this, that the lots are put up in such a size that the tenants cannot buy them, nor can they combine easily to buy in gross; do you differ from that impression?—I could not say that it is not so, but I have made this observation which I have just stated about the smaller lots existing are now divided into for sale quite irrespective of this Committee.

3252. Supposing a lot is put up containing 10 holdings, and of those 10, five of the tenants wish to buy and five do not wish to buy, and that the owner will not take upon himself the risk of putting up the lots separately so that each tenant who wishes to buy can buy, how would you deal with such a case?—I do not know how you could deal with such a case; I think it is one of those questions which are insuperable unless some private body thought it sufficiently worth while to divide the estate.

3253. Do

Chairman—continued.

3253. Do you not think it desirable to adopt experimentally some such scheme as Mr. Vernon's to meet that difficulty?—It seems to me that the difficulties of the State selling at a loss are so considerable, and the difficulties generally so considerable, that I doubt very much whether there would be any good arising from it.

3254. But you have even yourself suggested that the tenants might give a higher rate of purchase than they have done?—I think possibly they might.

3255. Do not you think that in that way the fear of loss upon the residues might be got rid of?—As far as I see, I do not think it impossible.

3256. Does it not mainly turn upon what price residues of this kind will sell for in the open market?—No doubt it does, and that is the great difficulty of Mr. Vernon's scheme.

3257. I believe the amount of that loss, as far as we know now, turns in a great measure upon the experience of the Church Commissioners?—I do not know; I cannot answer any question as to the Church Commissioners.

3258. Would you feel a difficulty in judging by their experience?—I feel that there must be some more definite knowledge obtained than any Commission sitting in Dublin could possess.

3259. Supposing it turned out as a matter of fact, that residues had sold well, do you not think that that would tend to show that the difficulties which have been raised against Mr. Vernon's scheme, are to a great extent unreal?—If it can be shown that they have fetched a fair price, that might be so; but according to my experience, it is a very low price. When I was buying land, I had to give 25 years' purchase; the value of land depends entirely upon the valuation which is put upon it; to say that it was sold for two years' purchase, more or less, shows nothing at all.

3260. I assume that the land was fairly rented, and sold for the price named by the Church Commissioners?—I doubt that; I think there is a screw loose there somewhere or other.

3261. Supposing that be not the case, but that the land was fairly rented, and that it fetched the price which is named by the Church Commissioners, namely, 25 years' purchase, do not you think that in that case, all this fear about dealing with the residue may be to a great extent disposed of?—Yes; taking it in that way.

3262. Is there no market in Ireland for the investment of money in land apart from what I may call the amenities of ownership?—No; as far as my experience goes I do not think there is any market of that kind. I only know one purchaser who has bought land promiscuously, and wherever he could get it cheap, because you can manage your land and your estate so much better when it lies together, there are substantial objections to scattered property; it is obviously worth less money than property en bloc; no one but a small man wanting a patch of land would make purchases of that kind.

3263. Supposing that there were small capitalists merely wishing to invest money in the land, would not they buy such parcels?—I am afraid that as far as my knowledge goes, there is no number of purchasers of that kind, and those that there are would be many of them people who would treat the unfortunate tenants in a way they were never treated before. I have known such a case, and anything like the dread  
631.

Chairman—continued.

and horror of the unfortunate fellows who came under the man I never saw; it was a piece of property that was sold before the tenants got wind of it, it was first offered to them and they refused it, and it was then sold over their heads.

3264. There is an objection entertained by all tenants to small purchases?—There is no doubt about that; we have a few shopkeepers buying, but the hardness with which they deal with the tenants is marvellous, it is just like the way the tenants treat their labourers; if the landlords treated their tenants as the tenants treat their labourers the country could not hold them.

3265. Is it not just at that period of change of ownership that the tenants wish to become owners?—Yes; but when you have an unprosperous tenant, think what it is; a man whose land is reduced until he can hardly grow anything on it; and his crops are thoroughly inferior even in good seasons; you do not realise what the course of things has been that land has gone through in Ireland. When I first went to Ireland the paring and burning that went on throughout the country in the spring of a fine day was the most ruinous thing for the land that could possibly be. Although there was an Act of Parliament inflicting the heavy penalty of two years' rent for doing it, the whole country was positively afloat in spring. The result of paring and burning and centuries of over-cropping and deficient manuring has been that these unprosperous tenants have got their land into that state of exhaustion, that do what you will with them, unless a large amount of money is put in it to get it into order and condition, you cannot deal with it successfully. Buildings and all else are bad, and often much of the first wet. It is these unprosperous tenants who are at the root of the difficulty. There is no way of giving them the qualities necessary for success either as tenants or owners. Selection of the best is the only rule of progress in men and animals alike.

3266. But that is not an answer to the question; you have been speaking of the purchases effected by small capitalists in the country, and you stated that great objections were raised by the tenants to coming under the tenancy of people of that class; and then I asked you whether it was not precisely at that moment that the main desire on the part of the tenants to become owners arises?—I think that the answer I gave in the earlier part of my examination met that case; that tenants who have the money would buy, and the unprosperous tenants, though they would like to buy, in order to escape from these petty landlords, have not the means of buying; their land is exhausted, and they have no means of dragging through.

3267. But that is not the general condition of the tenants?—Of the unprosperous ones it is.

3268. But they are not all unprosperous?—No, they are not all unprosperous; but there is a large proportion that are. It all depends upon how the estate has been managed. Estates for sale have usually been worst managed. I think, as I have stated, that all the prosperous tenants will buy.

3269. Let me suppose a case in which there are a certain number of prosperous tenants and a certain number of unprosperous tenants; what I ask is, how are the unprosperous tenants to have an opportunity of buying; supposing they are put into a lot with prosperous tenants, how would that

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*Chairman*—continued.

that work?—There is no means of doing that; somebody must take the loss, or they must draw together and buy. If you make the prosperous tenants landlords to the unprosperous ones, they will screw them to the very death. As far as you have unprosperous people you cannot deal with them successfully.

3270. Unfortunately, according to this supposition, the unprosperous are so tied to the prosperous tenants, that the prosperous tenants will have no opportunity of buying?—I do not see that can be helped in such a case as you have put.

3271. I want to arrive at your views as to how a fair trial is to be given to this scheme?—I do not see how it is to be done; I have worked at it and tried to contrive it, and I cannot see any way out of it. The unprosperous men are a fatal difficulty.

*Major Nolan*.

3272. You do not think this scheme of establishing peasant proprietors very feasible upon a large scale?—I doubt it very much indeed.

3273. Has such a scheme been tried in any other country in Europe?—I believe it has, more or less.

3274. Do you know in what countries it has been tried?—In Germany, in Belgium, and indirectly in France.

3275. Do you know whether it has been tried in Russia?—I do not think that is the same thing at all; it was the conversion of serfdom into ownership of land; it is complicated in that case with many other conditions.

3276. You do not know that there was a law in Russia to advance money to facilitate purchase?—It appeared to me that the whole operation was quite different from the condition of landlord and tenant.

3277. After the abolition of serfdom, do you believe it was different from the system of landlord and tenant?—I believe so.

3278. If it succeeded in Germany and has been tried in Russia, and indirectly has been tried in France since the Revolution, what are the special conditions which will make it unsuccessful in Ireland?—I think that other countries are in a far more backward state than we are in Ireland, taking into account our connection with England, and our banking system in Ireland, which is very much extended; therefore as regards the use of capital, things are in a very different social

*Major Nolan*—continued.

condition from what they are in Russia and in Germany.

3279. Do you think that our being in a more advanced state would hinder the establishment of a peasant proprietary?—I do.

3280. Do you think that the more civilised a state is, the more difficult it is to establish a peasant proprietary?—Yes, I think the conditions under which peasant proprietors can exist are wanting in a highly civilised state; the opportunity of getting more profitable work would prevent our working classes from becoming peasant proprietors; they would not submit to the hardships which peasant proprietors have to submit to; I think the requisite conditions are altogether different, and that is one reason I urged why the scheme should be tried to a limited extent only.

3281. Does not the ownership of property reconcile a man to very hard work, and a very penurious style of living?—In some cases it does, but there is this to be said, labour in Ireland is not like hard work. I have said already that the labourers, though I give high wages, do not like to work every day in the week; they like to be able to stay away and amuse themselves at fairs and markets.

*Chairman*.

3282. Are your labourers holders of land?—Not at all; a good many of them are broken tenants, because I took on a good many such after the famine, and some have been the best men I had, and their pride has been to go to mass a great deal better dressed than the small tenants about them. My labourers would not look at a small tenant.

*Major Nolan*.

3283. Is not there a feeling in Ireland that the labourers work a great deal harder for the farmers than they do for the gentlemen?—No; on the contrary, more than once I have had tenants come to me to ask me to do a job for them, as I could get more work done for me for the same money.

3284. Do you mean to say that an Irishman does not work so hard as an English labourer, or a labourer in America?—No, not half so hard. He is a good fellow to deal with, and there is not half the trouble in dealing with him that there is in dealing with an English labourer, but he does not work half as hard. For one thing he has not the feeding.

Thursday, 28th March 1878.

## MEMBERS PRESENT:

Sir Walter Barttelot.  
Mr. Bruce.  
Mr. Errington.  
Mr. Fay.  
Mr. Heygate.  
Mr. Shaw Lefevre.  
Sir John Leslie.

Sir Joseph McKenna.  
Major Nolan.  
The O'Connor Don.  
Mr. Plunket.  
Mr. Verner.  
Mr. Wilson.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. JOHN BALL GREENE, C.E., F.R.S.E., called in; and Examined.

Mr. Plunket.

3285. WHAT position do you occupy in Dublin?—I am Commissioner of Valuation.

3286. Have you seen a good deal of the evidence which has been given before this Committee?—I have seen some of the evidence as reported in the Dublin newspapers.

3287. Are you not in favour of giving further facilities for the purchase of their farms by the occupying tenants?—I would like to see further facilities given to a solvent class of tenants to become owners of their holdings.

3288. What do you consider is the main difficulty which obstructs that process?—I think there is no very effective machinery existing at present for facilitating the matter, and I would be inclined to go a little beyond the two-thirds at present advanced.

3289. Would you be disposed to go as far as three-fourths?—Yes, I would.

3290. Now, suppose a farm rented at 15*l*. and a tenant gives 24 years' purchase for it, which would amount to 360*l*.; how do you suppose that the tenant would be placed in regard to the annual payment of instalments?—I look upon the mass of those tenants who are rented at, and below, that amount, as having very little capital of their own; if they get two-thirds of the purchase-money advanced from the Board of Works, they would be subject to 5 per cent. upon that amount for 35 years, which would be 12*l*. a year, the rent being 15*l*., and if they have to borrow the remaining one-third, namely, 120*l*., I do not think they would get it under 6 per cent., or even more, so that practically their rent would be increased during the 35 years.

3291. As I understand you on that part of the case, your view is that it would be well, in any case, where it is desirable that the tenant should purchase the fee of his holding at all, that the terms upon which he can obtain a loan should be made easier, and that the proportion should be enlarged from two-thirds to three-fourths?—Yes, I think the difference between two-thirds and three-fourths would not materially lessen the security.

3292. But, as I understand you, in the case of 0.5*l*.

Mr. Plunket—continued.

very small tenants, it would make the danger of insolvency less, because they would not have to borrow so much from the local usurer?—Yes; but where the tenants are holding five acres and under, I would be very much afraid that they would be placed in a worse position than they are in now.

3293. Do you anticipate, in the case of small holdings, even if a large sum were advanced by the State, that there would be a danger of their being unable to pay in bad times?—Yes, I think 35 years is a very long period, and great vicissitudes must necessarily occur in a period like that; and if these people really have no capital of their own to invest in improving their land, and have borrowed a proportion of their money, they will obviously be under a heavy interest for that portion at all events, and I would be very apprehensive that during the first bad year or two they would probably lose ground altogether. Then again, it must be remembered that all these smaller class of holdings, from 10 acres downwards, are generally of an inferior class of land.

3294. I suppose you do not see your way to limit practically the operation of these clauses to any particular sized holdings?—I think it would be very difficult to draw a line, but I would say that I would encourage tenants of farms rented at 20*l*. and over, to purchase their holdings by every reasonable inducement.

3295. Now, passing from your general view of the question to the particular machinery for carrying it out, have you had anything to do with the valuation of holdings which were sold by the Church Commissioners?—Yes, in this way, that the officers employed in that duty invariably came to the Valuation Office and got copies of our tenement valuation maps; giving the occupier's name, the area of the farm, and the valuation of it, and then, of course, it facilitated the gentlemen going over the ground very much, as they have the whole thing before them without going to the ground to make inquiries as to this or that portion; every facility was given in that way.

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3296. That

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1878.

Mr. Plunket—continued.

3295. That did, no doubt, facilitate the inquiries of the agent of the Church Commissioners when he went to the property, but have you, in any instance, conducted the whole transaction in your office without a local valuation by the officers of the Church Commissioners?—Not for the Church Commissioners, but for the Board of Works I have.

3297. Will you explain that to the Committee, and give an instance in which that occurred?—As regards the Board of Works, we made several valuations. I may state that, in the year 1871, there was some gentleman in the north of Ireland dissatisfied with the amount which the Board of Works offered to advance. He appealed to the Government, and they referred the matter to me, and asked me if I could give a special valuation in certain cases, the cost of it being defrayed by the person who applied. I said, "Of course we could," and we thereupon made a number of valuations. The result in every case was to increase the amount which the Board had previously offered.

3298. These valuations were for sales under the Land Act, I presume?—Yes, they were for sales under the Land Act.

3299. But I think you intimated that, in some instances, you had been able to furnish the Board of Works with information sufficient to render it unnecessary for them to make any further inquiries?—Yes, in several cases. If the party who applied for a loan was dissatisfied with the amount which the Board of Works proposed to advance, the Board have in several cases written to me to know if we could tell what would be a fair amount to add to the existing valuation, without sending a special valuer to the ground. I have, thereupon, looked into the question, and added 20, or 30, or 40 per cent., and reported the amount which, in my opinion, they might safely add to the valuation, and the Board then increased the amount.

3300. Can you give any particular case illustrating that process?—There was an estate, in 1872, in Tipperary belonging to Mr. Deale Brown. About 20 tenants upon that estate desired to purchase their holdings, and applied to the Board of Works to give them an advance of two-thirds; they were all dissatisfied with the amount which the Board of Works would give, and they said that they would contribute and pay for a special valuation. The Treasury having authorized them to apply to me, I sent down a skilful valuer, and he made a special valuation of those 20 farms, and the effect was to give a considerable advance upon the amount originally offered by the Board of Works, and those tenants have all become purchasers.

3301. I suppose they purchased in the Landed Estates Court when the property was for sale?—Yes, they purchased in the Landed Estates Court.

3302. Did the tenant purchasers cover the whole of the property?—I do not know.

3303. You do not know whether there was a residue in that case?—I do not.

3304. At all events, the persons having the carriage of the sale were satisfied?—They were.

3305. Was that an expensive process?—No, the whole cost of that valuation was 18*l.* 18*s.* 4*d.*, which was spread over 20 tenants, being therefore less than 1*l.* each.

Chairman.

3306. That was because a great many of the holdings were valued at the same time?—Yes, it was.

3307. May I ask whether in this case the valuation came up to the value which had been given by the tenants in the Landed Estates Court?—The valuation in some cases exceeded the rent.

3308. That is to say, taking the annual value as the basis of the valuation, it exceeded the rent?—It did.

3309. Therefore the total value was greater than what they asked?—Yes, it was greater than what they asked for in some cases.

Mr. Plunket.

3310. Mr. Stuck (whose evidence I believe you have read), in answer to a question of the honourable Chairman, at No. 1858, says: "What I think might be done is this: When an estate is advertised for sale, the Board should take notice of the fact, that they should obtain as soon as possible a copy of the consolidated final notice, which gives a list of all the tenants, with the acreage, and the value of the holding, that then they might communicate with the Valuation Department which will give them a certain amount of further information, and obtain in each tenant's case a certificate such as this (*enclosing a certificate to the Committee*). That certificate gives a certain amount of information which would show whether or not the holding came under the 71st section of the Act as agricultural or pastoral. You will see in one column 'Buildings' or 'Land,' and the value of each. When in possession of all this information, I think it would be desirable if the secretary to the Board issued notice to the tenants informing them that at some market town in the neighbourhood where the estate is situated, he, or some one deputed by him, would hold a meeting on a particular day, inviting the tenants to meet him with a view to eliciting information from them, and imparting information to them. He might put questions to them as to their ability to purchase, as to whether there were sub-tenants on the holdings, and as to how much was laid out in tillage or pasture, with the view of ascertaining whether the holding satisfied the requirements of the 71st section. Then, having given and obtained as much information as possible, the officer of the Board on his return to Dublin, might make a report to the Board, stating how many of these tenants (naming them) had a reasonable prospect of purchasing their holdings, and might be assisted by the Board. That report I would have made the groundwork of the application to the Board under the latter part of the 46th section, not hindering the Court, of course, to go by it, but presenting a *prima facie* case on behalf of the tenants." Now from your experience of the relations between the Valuation Office and the Board of Works, and also generally of land valuing in Ireland, do you think that such a scheme could be practically carried out?—I think a skilful and sensible man going down in the first instance amongst say, a number of tenants upon a property about to be sold, would be able to ascertain the value of their holdings; he would see the class of people they were; he would see whether the farms were tolerably fairly cultivated, and I think it would



Mr. Pinfet—continued.

be very easy to ascertain their financial position. Having ascertained that, he would then put before them the amount he would recommend to be advanced as a loan to them, and explain the whole thing to them; I think it would be as simple an operation as possible; it is very easy to find out their condition; they tell it themselves out straight. Then he might return to town, and say, "I think there are 10 or 20 of these men who are quite in a condition to make the purchase, and with the tenement valuation map upon which the holdings are laid out," the rental could then be made out.

3311. You think that such a plan as that would considerably facilitate carrying out the purchase of holdings in the Landed Estates Court?—Yes, I think that visiting and talking with the men on the ground, and explaining to them what could be done, and ascertaining their position, would be quite sufficient.

3312. Do you think it would be better to have an officer for this purpose attached to the Board of Works, or that the application should be made to your office from time to time?—I think it would be better to attach an officer to the Board of Works, and let the officer obtain in the first instance as much information as he can get as groundwork before he proceeds to visit the property.

3313. It was stated in the evidence of Mr. Stack, at Question 1749, that there would be some reluctance on the part of the tenants to having their holdings revalued, because they would apprehend an increase of taxation?—I saw that, and that shows how necessary it is for some person to explain the matter to them. Such an apprehension is quite a fallacy; the fact of our making a valuation for a special purpose is not any groundwork for increased taxation, for it cannot be applied; the valuation for taxation will remain unaltered.

3314. It would require an Act of Parliament otherwise, would it not?—Yes, before you could revalue for the purposes of taxation.

3315. I suppose even if there were such an Act passed for a general revaluation of the country with a view to an alteration of the taxation, it would take a good many years before it could be carried out?—Yes, it would.

3316. Have you anything more to suggest with the view of carrying it out effectually, should the Committee decide upon adopting such a plan?—No; I consider that that method of sending down two or three shiffling, intelligent, and common-sense persons to an estate where there is property to be sold, to examine the property, and supply the tenants with information, stating what amount they would recommend to be advanced, and increasing that advance from two-thirds to three-fourths, would be a very considerable encouragement and help to those people who are ignorant upon the subject. I do not think that I have anything farther to recommend to the Committee.

3317. Do you believe from such experience as you have had of this matter, that that would to some extent increase the number of cases in which the tenants would come forward to purchase?—I am satisfied that it would considerably.

3318. Are you of opinion that whether the limit be two-thirds or three-fourths, the Ten-  
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Mr. Pinfet—continued.

sure, or whoever are the persons who control the Government loan might be, could without loss or danger to the State apply their power of lending more liberally than has been done by the Board of Works under the present system?—I think so. I consider the Board of Works have based a good deal of their calculations upon the tenement valuation, which is very erroneous in some places; and I think that an officer visiting the ground, examining the land and seeing the people themselves, would afford them greater facility in purchasing their farms.

3319. The plan suggested would have this advantage, as counteracting the difficulty which you have just referred to, that the Board of Works would have before them a special valuation upon which they could rely in each particular case, and might make their calculations accordingly, instead of being mainly governed by the general valuation which, as you say, is much below the true value?—No doubt.

3320. Is it your opinion that it would be necessary to establish a new Commission for the purpose of carrying out this policy, or do you think that that experiment would be considerably enlarged in its operation by such amendments as are suggested by Mr. Stack?—Yes, I would prefer that the experiment should be tried in the manner which has already been suggested, and which I have just mentioned. I think a Commission would be a very costly undertaking. The fact is that I would be afraid that it would grow into a huge establishment, of which I suppose the Government would have to defray the cost, and not the purchasers.

Mr. Ferner.

3321. To what do you refer when you say, "as already suggested"?—To the evidence which I have given.

Mr. Heggate.

3322. It is Mr. Stack's proposition which you have recommended by your last answer?—I think it is. I believe the proposition was made by Mr. Stack.

3323. Mr. Stack's proposition, as I understand, was to improve the present machinery of the Board of Works as to valuation, and that is what you think would be better than the Commission suggested by Mr. Vernon?—Yes, I do. I think that would work simply and economically, and would be much better than a Commission. At all events, I think it might be tried.

Mr. Pinfet.

3324. I believe in 1866, previously to the passing of the Land Act, when some legislation was supposed to be contemplated, Lord Mayo, who was then Lord Lieutenant, asked you to have some inquiries made under your control or direction, with the view to ascertaining how certain commoners or freeholders had prospered; will you state to the Committee the circumstances under which you were then applied to?—Lord Mayo in 1865 applied to Sir Richard Griffith, in whose office I then was, to recommend him a couple of gentlemen who he thought had considerable experience in land questions, and who could go upon a Commission for a fortnight or so to inspect the condition of persons  
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who held commons or free lands, and make a report on the subject; and Sir Richard Griffith recommended Mr. Pee, who is now the vice-chairman of the Nenagh Board of Guardians, and Mr. Fishbourne, who acts as arbitrator for the Board of Works in railway and other matters. Those two gentlemen were sent down, and made a report, a copy of which I produce. (The same was handed in.)

3325. First, can you give the Committee any notion in what way those persons, whose holdings were inspected, came to be freeholders?—I imagine the greatest number of them are what we would call squatters in Ireland; that is to say, men who, finding the ground derelict, took possession, and reclaimed it, and built cottages upon it.

3326. Are the conclusions which the Commissioners arrived at all drawn from investigations made at one place, or at different places?—At different places in the counties of Kildare, Carlow, Antrim, and several other counties.

Chairman.

3327. But the holdings were generally of that description, were they not?—They were all of that description.

Mr. Phibbet.

3328. Will you read the Report from the Commissioners?—"In accordance with instructions, we proceeded to inquire into the matter referred to us, and now have to submit the result of such inquiries. We proceeded to the several places herein referred to, and made a careful examination and inquiry regarding the occupation of lands in each. We have seen the commons near Kilkullen, in the county of Kildare, held in very small portions by persons who have settled on them. The land is very poor, and the houses are of a wretched description. The holdings are too small to support the occupiers, who seek employment in the neighbourhood for their day's wages wherever they can procure it. Also the commons at and adjoining the village of Ballymore Bustace, containing 465 acres, 2 roads, 14 perches; they have been occupied about 50 years. Many of the original settlers have sold their holdings to others more wealthy, and have emigrated with their families. Consequently portions of the present holdings are not lying together. The lands are all in good order, well inclosed, managed, and stocked with both cattle and sheep of good quality. The occupiers are industrious and, apparently, as solvent as any other occupiers of such farms in the district. Some portions have been bought by adjoining proprietors and added to their estates many years ago. The lands are in most cases well manured and in good condition. New dwellings have been built, some slated houses thereon, and others are in course of erection. Some labourers live in houses in the village built on free land. Those labourers readily obtain employment in the neighbourhood. There does not appear to be poverty here except in the cases of four old widows, who live in bad houses, and are receiving relief from poor's rate. There is a national school here which is well attended by children. The common at Harristown, containing 181 acres, 1 road, are of very little value, on the edge of which some cabins have been built, occupied by labourers who have taken in a few

Mr. Phibbet—continued.

perches of the common near their houses. The common is grazed by a few cattle belonging to farmers adjacent. Those lands would not make a return commensurate with the cost of reclamation. The adjoining lands in this county are generally occupied by persons in solvent circumstances. No regular system of farming is carried out, but the houses and lands are in ordinary good condition; the occupiers are well conducted and industrious. In the county of Kilkenny, near Callan, on the common of Moan Keale and Moan Mought, the holdings are very small. The occupiers chiefly are labourers and basket-makers, and the lands are low and swampy. Occupiers who had not held free for 10 years previously were, some years ago, put under rent by the proprietors of the adjacent lands. The most comfortable occupier here supports himself by basket-making, and has about 20 perches of ground free. The Baunee Common, containing 418 acres, 1 road, 25 perches, are adjacent to the town of Callan. The land is very poor, and the holdings are small. The proprietors of the adjacent estates, some years since, got up as much of them as they could, either by buying out the persons who had originally settled thereon, or taking up from those who had not held 'free' for a period of at least 10 years previously. Moanroe common are very much the same. On all these commons there have been frequent sales by the occupiers of the free land to land jobbers, who re-let the small holdings so purchased at a high rent. The owners of adjoining estates also dealt with these commons, and either planted the small patches so obtained, or let them to those occupying farms on their estates adjoining. All the present occupiers are apparently in poor circumstances, improvident, and mainly dependant on their labour for their support. The farmers residing on the adjacent estates generally held as tenants from year to year under large proprietors. Their holdings are in good order and improving. They are generally solvent and industrious. County Wexford:—The houses herein, the occupation of the 'original commoners,' are in some cases tolerably good. The houses of many who have lately settled here are very bad. All the land is of a very poor description. The best parts have been cleared of rocks, stones, heath, and furs, and made available in small portions for tillage or pasture. The people occupying those are poor, industrious, and well conducted. In addition to the produce of their holdings they support themselves by breaking stones and selling them to road-makers. Some few small portions previously cleared have been purchased from the original occupiers by parties who have built thereon, and are independent of the lands. Persons who have lately located themselves, and built very bad dwellings, maintain themselves by breaking stones, pulling heath for brooms, and selling same about the country, the lands being inadequate to support them. The greater part of this mountain is very rocky and barren, the fuel generally used in soda pured off the surface and dried for the purpose. In harvest, and haymaking time, the occupiers of these small holdings seek employment with the farmers in the neighbourhood, and travel from two to four miles to obtain it. Many of the better class residing here send their children to school, and some of those so educated have obtained employment

## Mr. Piuslet—continued.

ment away from their families as servants and tradesmen. The condition of the tenant farmers in the neighbourhood is tolerably good; those holding over 30 acres by lease are improving their holdings, and reported to be very well-conducted. Farmers occupying farms under 40 acres here have no regular staff of labourers; their own families, assisted by servants, do the farm work, except during harvest and haymaking time. County Antrim:—We also visited some localities in the north of Ireland, viz., near Crumlin, in Antrim County. On large properties the lands are let at moderate rents. Terrible leases exist on many holdings; some are held from year to year. On those held by lease the lands are much improved, and the occupiers are in very good circumstances, but as tenants from year to year are permitted to sell the good-will of their farms, improvement is apparent on those, but not to the same extent. There is not a regular system of farming carried on here, but tillage is well executed, and good crops of wheat, oats, barley, flax, and potatoes are largely grown, and a small extent of turnips. There are many farms held in perpetuity at very low rents, occupied by the lessees in most cases, and are improved and well cultivated; some few have underlet; the occupiers are educated and well conducted. In the Killybeg district there are many farms held in perpetuity; the occupiers are very comfortable and solvent; the rents are very low; the average size of the farms is over 45 acres. These farms are held by the lessees; they very seldom divide or underlet, but frequently create charges on their holdings as provision for their children. Some farms here are let by terminable leases; the occupiers of such are not inclined to improve, neither have they so independent a feeling as those who hold under perpetuities; this is owing to a feeling that the proprietors, when re-letting farms, generally raise the rents, and consequently 'tenant right' does not now sell as well in such cases as formerly; it has fallen in value about one-third. Tenants from year to year are usually allowed to hold on without charge. 'Tenant right' of such holdings sells as well as terminable leases. Parish of Aghagallon:—The lands here are chiefly held from year to year in small tenements; very many of the tenants are not able to support their families out of the lands. Some are weavers, others labourers who seek employment from farmers elsewhere. On inquiry, we ascertained that more complaints for riot and assaults came before the petty sessions bench from this locality than from any other in the district. We also visited some places in the county of Fermanagh, Ballinamallard, and the lands in that locality. The village is, with few exceptions, occupied by labourers; their dwellings are badly thatched, and very bad looking; the occupiers maintain themselves by labouring for hire with persons holding large farms near. The young and able-bodied go to England and Scotland, in summer and autumn, and bring back money, which enables them to live through the winter. Some hold for the proprietors from year to year, others from shopkeepers residing in the village who have leases; there are two schools here, national and Church education society; both are well attended. Throughout this district the farms are of moderate extent; the occupiers are respectable and

O.S.I.

## Mr. Piuslet—continued.

apparently solvent; the lands are generally held by lease. Farm work is difficult to execute here, the lands being uneven and steep; however tillage is tolerably good. We also visited Strahane in Tyrone County, and from all our inquiries and observations we are of opinion that lands in the locality are let at moderate rents by the proprietors of large estates. There are also hitherto lands let in like way; we learned that persons who hold small properties under leases in perpetuity at low rents are not more prosperous or solvent than others who hold at moderate rents from year to year, or under leases for lives or years. This may be attributed to facilities they have to create charges on their holdings. Tenants from year to year or holding by terminable leases find no difficulty in obtaining more than ten years' purchase of the rest of their holdings for their 'tenant right,' the value of the 'tenant right' varying in accordance with the improvements on the farm which have been made by the outlay of the tenants' capital. The condition of the farmer in this locality is remarkably good generally; they are industrious, well-conducted, and respectable. In Kildare, Kilkenny, and Wexford, those located on 'commons,' or on 'free land,' except those holding at Ballymore East, are far from prosperous; the bad quality of the land is a bar to their being so. They are neither as solvent or respectable as the farmers in their neighbourhood, who may hold by lease or as tenants from year to year. In Antrim, Tyrone, and Fermanagh those holding by long leases are respectable, industrious, and comfortable; those holding from year to year from large proprietors are also solvent, industrious, and prosperous. Except where the farms are very small, say under 12 acres, those holding by short terminable leases are not quite as independent or as prosperous as either of the above classes. In conclusion, we have to remark, 1st. That those who hold farms not amounting to 20l. per year in value, are not a solvent or an improving class. 2nd. That those holding under leases for a long term or in perpetuity farms exceeding in value 20l. per annum, are a solvent and an improving class. 3rd. That those holding from large proprietors from year to year where 'tenant right' sales are permitted, are solvent and improving tenants. 4th. That those holding from year to year where 'tenant right' sales are not permitted, are unwilling to improve their holdings. 5th. That those holding on short terminable leases are not willing to increase the value of their holdings. 6th. That those located in villages or on small holdings are not reputed to be as peaceable or as orderly as their neighbours. In conclusion, we have to express our opinion, that the condition of those who hold 'free land' or 'common' is inferior, and presents a strong contrast to those holding land at moderate rents, in perpetuity, or on long leases. In the latter cases the occupiers are industrious, thrifty, and well conducted; their children are educated, and the district in which they live is peaceable and improving." It will therefore be seen that the inquiry extended beyond mere commenters to leaseholders in perpetuity.

Sir Joseph M'Annes.

3329. So far as they were freeholders, or free from rent, they all belonged to the squinting class; is that so?—Yes.

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3330. Have

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Mr. Pinckel.

3330. Have you gone through all the clauses, so as to enable you to say that?—Yes, I know that to be so: the report has entirely reference to what we call in Ireland, commoners, or free-land-holders.

3331. Will you be good enough to read the instructions under which the Commission was sent out?—These gentlemen were "to inquire into the condition of the persons occupying small portions of land in the counties of" (they are not stated), "of which land they are either owners in fee, or tenants under leases for lives renewable for ever, or under fee-farm grants, or bishops' leases. To ascertain the effect (as far as possible) produced on the district in which they live, by their presence, as regards industry, education, intelligence, forethought, and self-control. Their effect on population, and on the sub-division of land. The condition of the labourers living either wholly or partially on wages earned in the district. The condition of the land generally, and the style of farming practised. The condition of the tenant farmers in their immediate neighbourhood, and of the farm labourers employed by them, having regard to the same subjects of inquiry hereinbefore mentioned."

3332. Have you anything to add to your evidence upon this point?—No.

*The O'Connor Don.*

3333. I understand you to recommend that this system, of which you approve, should be carried out in connection with the Board of Works, and not in connection with your office?—In connection with the Board of Works.

3334. How long is it since the tenant valuation of Ireland was finished?—The counties were finished at different periods.

3335. But how long is it since the last one was finished?—I think the last county valued in Ireland was Armagh; that was about 18 years ago.

3336. And since then may I presume that your office has not been engaged in any valuation of land?—No, except for new buildings, and that class of improvement.

3337. But not in land valuing?—No.

3338. What is the present staff employed in the office?—The staff would be about 58 altogether.

3339. And the annual expense?—The annual expense is a little over 20,000*l*.

3340. When you were asked to send down a valuator by the Board of Works, so you have mentioned that you have been asked to do, upon what data did this valuator go in valuing the lands?—He was instructed to value the land at the rent a solvent tenant would give.

3341. Would you tell me the name of the officer you sent down in this particular case in Tipperary?—Mr. Robert Bell.

3342. He is, I presume, one of your experienced valuers?—He is a very experienced man.

3343. And he valued the land in some instances, you state, higher than the actual rent that was paid?—He did, in some instances, upon that estate.

3344. You stated that the Church Commissioners applied to you for certain information, and you gave them, amongst other information, the areas of the holdings?—Yes, that was so.

3345. If you refer to this Return (standing a

*The O'Connor Don*—continued.

*Blue Book to the Witness*), you will perceive that in that Return, which purports to be a Return of the sales to purchasers under the Church Commissioners, the area of the land is not given?—It is not.

3346. Could you, from information obtained in your office, supply that omission without much difficulty?—I think so.

3347. I presume that you could also, without much difficulty, give the tenement valuation in each case?—Certainly. I am under the impression that the Church Commissioners have obtained that from us already.

3348. But, if not, it can easily be ascertained from information contained in your office?—Yes.

3349. You could distinguish easily, from the books at your office, where the property was situated?—Yes.

3350. At all events, we understand from you that the Church Commissioners, in all these cases, applied to you for information which contained, among other points, the area of the land?—Yes. I think the plan adopted was this: they brought the Ordinance sheet to our office, and transferred the boundaries of the tenements from our sheet to their sheet, and they obtained a copy of the valuation of each of the holdings to commence with.

3351. Does not the Ordinance sheet show the area?—No, the Ordinance sheet only shows the area of the townland in gross, but our valuation shows the area of each tenement, no matter how minute it is.

3352. When you say you showed them the valuation, you include in that the area?—Yes.

Mr. Hygate.

3353. You stated that you would be glad to see further facilities given for the purchase of their holdings to a solvent class of tenants?—Yes.

3354. And that you would, in that view, be inclined to go so far as to extend the amount of the advance from two-thirds to three-fourths?—Yes.

3355. How would you distinguish solvent tenants from others?—By sending down a competent man to inquire into their position, see how a man's farm was managed; there would be no difficulty in ascertaining that upon the spot. The officer would see the man's farm and cultivation, his haggard and his house, and would form a very good opinion, from the quantity of stock which he had, whether he was fairly solvent or not.

3356. Then you would not be in favour of indiscriminate advances being made to the whole of the tenants, but you would assist those whom you found upon inquiry were apparently in a position of solvency?—There would be a difficulty in purchasing by tenants if we had to go very minutely into the matter, because we might find one man here and there who was very badly off, and if you cut him out you would do more harm than good. I am speaking as a general rule. I cannot go into the question whether those men should be omitted or not. I think there would be a difficulty in that respect. I am speaking of the solvent class of tenantry, and I would encourage them.

3357. But how can you distinguish them from the

Mr. Heggate—continued.

the insolvent, except by such an inquiry as you have referred to?—I see the difficulties of the point, but I think it would be an objectionable thing to leave out a man if he were not quite so solvent as his neighbours.

3358. You seemed to draw a line a little while ago at those who occupied farms rented under 15*l.* a year; you said they had very little capital generally?—Yes, I made my calculation that if a man had not capital himself, and if he borrowed three-fourths from the Board of Works, and had to borrow the remainder, it would be equivalent to an increase upon his rent from 15*l.* to nearly 20*l.* a year at the least for 35 years.

Chairman.

3359. When you speak of an increase of his rent you mean an increased outgoing for a certain number of years, do you not?—Yes, it would be equivalent to an increase of rent for 35 years.

3360. But a great portion of that is money which is being laid by for his own benefit, and therefore going into the value of the land?—Quite so.

Mr. Heggate.

3361. But he would be in a position of considerable difficulty for a very long time?—Yes, 35 years is a very long time, and a man having to pay that increased rent, which it is equivalent to, for that very long time, would be in a position of very great difficulty.

3362. Do you think if these people have, as you say, little or no capital of their own, that there is any advantage to the state in creating them into freeholders?—No, I rather think they would be in a worse position.

Mr. Brace.

3363. You sent down, I think, a gentleman to value the estate of Mr. Beale Brown in Tipperary; what instructions did you give to him?—The instructions came from the Board of Works in a printed letter, to request that I would send a valuer to ascertain what he considered would be the rental value of each of the holdings named.

3364. Then the rental value would not be the valuation for Government purposes?—No, it is considerably higher.

3365. If a new valuation were made of the whole of Ireland, of course the instructions issued to the valuers would not be the same as those which were issued to the gentleman who went down to Mr. Beale Brown's place?—That would depend upon the view which Parliament took, because if they based the valuation upon the principle of the English Act, the instruction would simply be to value the lands at the rent less the rates, taxes, and insurance; but if it were to be valued upon a scale of prices, the instructions would be different.

3366. But supposing the instructions were that the basis should be the letting value of the land, less rates, taxes, and so on, would that be very much the same level of the valuation as was adopted on Mr. Beale Brown's estate by your valuator?—Yes, taking into account the outgoings of the tenant.

3367. Did he do so?—Yes, of course.

Sir Joseph M'Keena.

3368. I wished to ask you a few questions with respect to the computation which you have just given.

Sir Joseph M'Keena—continued.

given the Committee, as to what would be the effect upon a man paying 15*l.* a year rent, who got two-thirds or three-fourths of the money from the State for the purpose of purchasing his farm; I presume you think that 23 years' purchase would be a fair purchase price to put down as between landlord and tenant?—Yes; but in my calculation I adopted 24 years, for I understood that that was put down as the average of certain lands which were purchased under the Church Commissioners.

3369. Will you give the Committee what that amounts to at 24 years' purchase?—At 24 years' purchase it amounts to 360*l.* Suppose you lent the whole of that money in the first place at 5 per cent, the purchasing tenant would have to pay for 45 years 18*l.* a year, which would be 3*l.* over his rent, or 20 per cent. Under the Land Act the Board of Works could only lend two-thirds; that would amount to 240*l.*, to be repaid by an annuity of 12*l.*, which would be 3*l.* less than his rent. But the man has to provide 120*l.* besides, and if he has not that of his own, or if he had it of his own, it would only return him 3*l.* a year, which would be the difference between the amount lent by the Board of Works and his rent.

3370. Are you not aware that 3*l.* a year is more than a farmer is in the habit of getting for 120*l.* of dry money at the banks?—It is more.

3371. Then if the man had the money he would positively be receiving a better return for it in the land than if he kept the money and had it paying him interest at the rate allowed by the joint stock banks?—He would.

3372. So that in that case, in addition to its being a good thing for him in the future, to have the chance of redeeming his land altogether, it would be no burthen at all to him in the present?—I do not see that exactly.

3373. If a man had 120*l.* at the bank, under the circumstances you have detailed, and he applied that, together with the 240*l.* which he borrowed, for the purpose of paying for the purchase of his farm, his pecuniary condition would then be this, that he would have to pay 12*l.* a year of terminable annuity in place of a rent of 15*l.* a year, which he had been previously paying, and he would have that 3*l.* a year reduction in lieu of whatever he had been receiving from the bank on his deposit of 120*l.*; would not that be so?—That would be so, no doubt.

3374. Would not that be altogether a favourable transaction for a man placed in that position?—I should not like it, because this man is paying 12*l.* a year; he has to provide 120*l.*, and that 120*l.* is only returning him 3*l.*, which is the difference between the 12*l.* annuity and 15*l.* rent.

3375. I quite agree that if a man were getting 6, or 7, or 8 per cent. for the money, it would not be in present an advantage to him, but if a man happened to have 120*l.* to his credit at a joint stock bank, he would not, on an average of years, receive more than 3*l.* a year for it?—He would not.

3376. Therefore, he would have in the future the prospect of his land being redeemed, and in the meantime he would be nothing short in point of income, and have no increased impost to pay?—The only thing which strikes me is, that he is merely getting 3*l.* for his 120*l.* as the difference between

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between his rent and the annuity to the Board of Works.

3377. But is it not a matter of fact that the agricultural deposits in banks throughout Ireland do not pay, upon the average of years, an interest equal to 3*l.* for every 120*l.* in the bank?—It is.

3378. Then I take it for granted that under the circumstances (for I carry it no further than that, and I imagine that that state of things is not uncommon), the man would not be deteriorated in the present, and would have all the advantages of future expectancy?—Of future expectancy certainly, he might sacrifice something for that, no doubt.

3379. Now may I take it that you are in favour of some new machinery being applied for the purpose of carrying out the duties which were formerly prescribed, or intended to be prescribed, for the Board of Works, under the Bright's Clauses of the Land Act?—I am.

3380. Is it not the fact that if there were such an office, or such a Commission as Mr. Vernon speaks of, your office, the Valuation Office, affords a very great and efficient facility for ascertaining the actual value of any existing property which becomes the subject of treaty?—There is no doubt it does. No matter how irregular the valuation may be, we have a vast amount of stored information there which would be extremely useful.

3381. All the technical structure to enable corrections to be made, bringing it down to the very day?—We have. Ireland is annually revised as regards valuation.

*The O'Connor Don.*

3382. In that revision there is no change whatever made in the valuation?—No.

Sir Joseph McKenna.

3383. I carry my question no further than this, that there is a facility in your records, and in the machinery of the Valuation Office, to bring down the valuation to any particular year or any particular day which you desire?—The state of the holding is corrected every year: if there is a new house built upon it, or a new tenant has come in, or the farm is sub-divided, that is recorded, but nothing more.

3384. What I mean is this, that upon the valuation of a proper officer, you could supply him with the structure upon which his valuation was to be applied?—Yes.

3385. And according to my estimate which you may correct, that would be three-fourths of the labour?—It would be a good deal of the labour.

*The O'Connor Don.*

3386. What could you supply him with beyond what is usually supplied in the Landed Estates Court rental?—We supply the name of the occupier.

3387. That is in the rental?—That is in the rental.

3388. The rent is in the rental?—Yes.

3389. And the area is in the rental?—The area is in the rental.

3390. What more could you supply him with beyond that?—We can supply the map.

Sir Joseph McKenna.

3391. Your reply to that question makes it necessary for me to ask you another to bring out

Sir Joseph McKenna—continued.

what I intended to do in your examination; is the case of an estate being offered to such an office or Commission as we have been speaking of, before it came into the Encumbered Estates Court, or the Landed Estates Court, or without coming into court at all, would not your office supply the machinery, and supply the means of bringing down an actual and true valuation to the very day?—No, it would not.

3392. That is to say, not without visitation?—Not without visitation.

3393. But could you dispatch an officer with an entire skeleton; that is to say, with the previous valuation, and tell him to affix a new valuation to that?—We could.

3394. Is not that three-fourths of the work already existing?—That is what we have done in these cases already.

3395. Therefore it would not be necessary, in order to carry out the machinery proposed by Mr. Vernon, or by Mr. Stack, that the estate should have been placed in the Landed Estates Court at all; that is to say, transactions, such as are contemplated by the Commission, could be carried out without the intervention of the Landed Estates Court, and a proper valuation ascertained by your office sending down a valuator to bring your valuation up to the day; is not that so?—There is no doubt that we could accomplish that very readily, and very economically, giving a new valuation of any particular farm that was for sale.

*The O'Connor Don.*

3396. But that is not what you then recommended?—No.

Major Nolan.

3397. You mentioned that you thought an experienced valuator ought to be sent down to explain the terms to the tenants before any sale took place?—I did.

3398. If that valuator recommends that three-fourths of the money advanced to the tenants should be made, not upon the Ordinance valuation, but upon the rent, or the value of the holding, do you think that the State would be safe generally in advancing three-fourths?—I do.

3399. You would not preclude the Commission or Board from going beyond the Ordinance valuation, and advancing three-fourths on the existing rent, or three-fourths on the value of the land which the valuator reported?—Precisely; as I have mentioned already, there have been several cases referred to me by the Board of Works to know whether they might adopt the rent given as a fair rent on which to make their advance; and I have reported in several cases, looking at the tenement valuation, the amount that I thought ought to be added to it to bring it up to a fair rental, on which they might make an advance of two-thirds; but for the future, I think they might safely grant an addition of three-fourths on the existing rent.

3400. Would it not often be a profitable operation for an owner not going through the Encumbered Estates Court to sell one or two detached holdings, if he could do so, at the present moment?—If it would injure the rest of the estate to sell it, it would not; but I think there are cases in which a man might, perhaps, sell a portion to a tenant, and retain the rest.

3401. If

Major Nolan—continued.

3401. If the law allowed him to sell cheaply, with very little law expense, it would be often a profitable thing for an owner to sell part of his estate, would it not?—Yes, he would save so much by not putting it through the Court.

3402. Do you think that the law expenses now stand a good deal in the way of property changing hands in Ireland?—That I am afraid I am not sufficiently conversant with to give a very decided opinion upon, as I do not know what the cost is, but I believe it is considerable, in taking an estate through the Landed Estates Court.

3403. I think the general gist of your report to Lord Mayo was, that the tenants, who had security of tenure either from long leases, or being on large properties, were generally solvent?—Yes, that is the general conclusion.

3404. And that the money could safely be advanced to that class?—Yes.

3405. But in your experience have you not met with a considerable number of men with small holdings, who have saved money in some way by other trades than agriculture, who would also become solvent proprietors?—Yes, but that class is principally confined to the north of Ireland; I know the south and west of Ireland better than the north, but I know that in the counties of Down, Antrim, and Armagh, all these small holders trade more or less, and in fact it is only to get their children and their wives put into a house that they are so anxious for possession; they have a trade and an additional means of acquiring a competency which they have not in the south and west.

3406. But in the west are there not men jobbing cattle who take additional grass land and make money?—No, not many small holders; I am speaking now of people holding from five to ten acres. In the south and west I think that those holders have little more than a pig and their labour; as a general rule they have no cattle.

3407. Have not the men with five or 10 Irish acres got cattle?—I am speaking of English acres; those with 10 Irish acres would have a cow or so, or a few sheep.

3408. Would you say that there was a third or a fourth of those 10½-acre men who were solvent?—No, I would not in the west of Ireland.

3409. However, you would agree that any scheme which was adopted should not preclude those men, if they could show that they were solvent, from purchasing?—Certainly not.

3410. The subject was introduced in one or two questions, of a new valuation for Ireland; would not a new valuation cause a good deal of unsettlement in Ireland in respect of raising the rent?—I do not think it would have any effect in that way; the valuation now is very low.

3411. You do not think that a new valuation of improvements might unsettle the relations of landlord and tenant?—It would have a very serious effect upon the Land Act, no doubt; that is as regards compensation to tenants.

3412. May I take it that you think that a new valuation is a question which, if it were considered, should be well examined to see whether it might not do more harm than good in a social view?—No, I think that the tenant valuation is so unequal that it would be very desirable to

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Major Nolan—continued.

have it recast for the sake of all parties; precautions might be taken to prevent its operating hardly.

3413. Your general opinion is that any means by which the tenants could acquire small properties in Ireland would have a very good effect upon the social condition of the country?—As regards solvent tenants I do.

3414. And that a very large number of the tenants are sufficiently solvent to be able to purchase their holdings?—I think so.

Sir John Leslie.

3415. You consider the perpetuity holders to be not only solvent but an improving class?—That report which I have read states so, but I am not able of myself exactly to say.

3416. You cannot give an opinion as to whether they are an improving class or not?—I cannot.

3417. In those cases where your department has assisted the Board of Works in valuation, it has always raised the price to the tenant, has it not?—No, it has enabled the Board of Works to advance a larger sum than they first intended. The amount being fixed, say at 500 *l.*, it enabled them to give two-thirds of the 500 *l.*, whereas they were only originally proposing to give two-thirds of 400 *l.*

3418. But the cost fell upon the tenant purchaser?—The cost of the re-valuation did.

Sir Walter Bartlett.

3419. Have you formed any opinion upon what sized farms you would allow tenants to purchase; would you put any restriction upon small holdings?—I have assumed that farmers paying rents of 20 *l.* a year are, generally speaking, of a tolerably solvent class, and their holdings would probably represent about 25 acres.

3420. Then you would not think it wise or expedient to go below 20-acre farms?—No; I would not, as a general rule, but there might be exceptions to that.

3421. But, as a general rule, you would not go below 20 acres?—No.

3422. And therefore if an estate were held almost exclusively by small tenants, you would not think it a wise or prudent thing for the State to allow those small tenants to become the purchasers of that estate?—I would not, for this reason, that I do not think they have any means whatever to assist in the purchase of their holdings themselves, and must therefore resort to borrowing. The country money lenders are a very bad and usurious class, generally speaking, and I think ultimately the effect of placing themselves in their hands would be that the holdings would pass out of the purchasers' hands in some way or another. I am speaking now of the small class of holders.

3423. Supposing this small class of holders did purchase and did become insolvent, how would that affect the Government and the Government loan?—I think it would place any Government in a very unfavourable position, and in a very unfavourable light in the country, if there were a mass of them.

3424. What do you think would be the effect upon the country, supposing these people did get into difficulties?—I can hardly answer that question, unless it would be that the State would

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J. R. Greene,  
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Sir Walter Bartlett—continued.

eject them and sell their properties, which, I think, would create a very unfavourable impression.

3425. That would not tend to the popularity of the Government?—Certainly not.

3426. Have you considered the question of the probability of the subdivision of the holdings; that is to say, supposing the man you indicated with a 20 or 25-acre farm purchased, what likelihood, do you think, there would be at his death of his dividing that land amongst his children?—I think he would subdivide it. From my knowledge of the country, I think there would be a tendency not to leave the whole of his farm to his children. I think he would either give a portion of it to younger sons, or charge it in some way, if he did not subdivide it with portions for his daughters, which would ultimately end in the eldest son, if he did get the farm, giving a field or two up, instead of paying the portions charged.

3427. In that case, the eldest son would be almost as badly off as a labourer, would he not?—I do not know about that.

3428. It would place the tenant purchasers and their descendants certainly, if that unfortunately took place, in a condition like that which they were in before the famine, would it not?—I cannot answer that question; but it would certainly not be beneficial to the country if such a thing occurred.

3429. And you think it is probable and most possible that that would occur?—I think it is possible.

Mr. Farrow.

3430. You think that would not be an improvement upon the present state of affairs?—Certainly not.

3431. Because you think it might lead to difficulties, not only for the man who got the farm, but for the whole of the rest of the family?—Yes, if such a subdivision took place.

3432. But I mean even if there were not a subdivision, if a very small holder had a farm with heavy charges for his brothers and sisters upon it, it would bring him and the rest of the family to ruin?—I think he would be in a worse position than a simple tenant paying a reasonable rent for his land.

Mr. Fay.

3433. Your objection to facilitating purchases, by a small class of tenants, arises greatly, you say, from the fact, that the non-payment of the terminable rent during bad times would culminate in placing the Government in antagonism to the people?—Yes, if it occurred to any great extent.

3434. Has the experience been that during periods of extreme poverty the levying of the county cess, the payment of the poor rates, and the rates in aid, was to a certain extent suspended in those cases where the tenants were practically unable to pay them?—I believe so.

3435. That being the case, had that suspension, during those periods, the effect upon the tenantry of destroying the prestige of the Government, so that they have not been able to levy since?—No, I think not.

3436. Is not that a case in point as showing that on the bad times disappearing, the terminable rents could resume their old position in the minds of the people?—Except that with regard to these taxes which you have mentioned, the

Mr. Fay—continued.

Government had nothing to do with them; they were purely a local question; there was no Government tax in question in that case.

3437. In this new valuation which you would suggest, would you take in any way into account the claims of tenants for permanent improvements, or for such improvements as afforded a claim under the Land Act?—If your question refers to a special valuation for advances to purchasers, I would say not.

3438. What value would there be then in such a valuation for carrying out this scheme?—I think for public taxation it would be more equal.

3439. But for the purpose of ascertaining the value of the tenant's interest as against the landlord's, in order to fix the purchase money, of what value would it be?—I do not think that a public valuation made specially for the equalisation of taxation, would go into that question at all.

3440. Then when what I may call the Vernon Commission came to deal with the purchase of an estate, how would they, in their own minds, come to a conclusion as to the value of the tenant's interest in the land?—It would be simply in this way: if the tenant wished to purchase, you would have to take the existing value of the farm, and that being ascertained, you would then see what is the general rate of year's purchase for it. I do not see that it could be done in any other way than that practically.

3441. Would that be a very sound principle in a case like this: suppose a tenant holding 100 acres, he being prepared, in case of eviction, to claim 1,000*l.* for permanent improvements from his landlord, when he came to deal with the newly constituted commission, you say you would not permit him to put the 1,000*l.* to his credit as against the purchasable value which would be ascertained upon the general valuation principle?—No, I should not.

3442. Is not the real difficulty in dealing with the Bright's clauses the fact that there is very little land let loose upon the country at the present day by landlords?—I think so.

3443. Would you assume that a better price would be offered by the Vernon Commissioners than by the general bulk of purchasers in the country?—I do not think so.

3444. Then what particular inducement would landlords have to sell, under the circumstances?—I cannot say what inducements there would be. I do not know what proportion of land is annually brought into the Landed Estates Court for sale at present. I do not know whether it would affect any increase in the area sold or not.

3445. You referred to the fact that such a commission might be at liberty to take the title without so much inquiry as is required by the Landed Estates Court?—That is to say, if I, being a proprietor, wished to dispose of a portion of my property, if I could get the fair value of it, I would sell it to my tenants, retaining the remainder of the estate.

3446. How in such a case could the title be investigated?—Of course the purchaser would have to look into the title, no doubt.

3447. Then the saving would be that between the private investigation and the court investigation?—Yes.

3448. Do you think it desirable that the Government



Mr. Foy—continued.

verment should be the owner of a large portion of the country, without an indefensible title?—I do not.

3448. I suppose it would strike you at once that the great facilities which the Church Commissioners had in selling their lands, was due to the fact that they had a common title, the title of the see?—Yes, precisely so.

3449. Mr. Urlin referred, in the course of his examination, to the public companies which had large interests in the land in the north of Ireland; do you agree with him that it would be desirable that facilities should be offered by the Government for the division of these lands among the tenantry; he says, at No. 2873, "There are further, two considerable classes of property which, without unduly affecting private rights, might, through the Landed Estates Court, be readily subdivided so as to increase largely the number of peasant proprietors; (1) the estates owned by English societies and corporations; and (2) the waste lands; in the former case the occupying, in the latter the adjacent, farmers would have the first claim to become purchasers at prices to be determined by the court; and there would be no injustice in making these sales compulsory;" do you concur in that opinion?—If Mr. Urlin states that there will be no injustice, that may be so; I cannot state whether there will be injustice or not.

3451. If there were no injustice, do you think it would be desirable?—I believe that those companies' lands are let on very reasonable terms, and it would be desirable if you were to subdivide them, whether the people hereafter would be as well off as under those companies; for instance, on the Waterford estate the rents were exceedingly moderate.

3452. Still that was an instance in which the tenants were all able to purchase?—Yes.

3453. Therefore, following in the same line, you might find the same class of tenants in the other societies?—No doubt.

Mr. Heygate.

3454. Are you aware that the tenants on the Waterford estate did not purchase all, or nearly all?—They purchased a considerable proportion in that case.

Mr. Foy.

3455. You referred to the fact that in the north of Ireland very many of the small farmers were in the habit of dealing, and otherwise adding to their income by means outside farming; would you in dealing with the north of Ireland take into account that the smaller tenants there might be deterred from purchase under this exclusive limit of 20 acres, which you have suggested?—No, as I have said before, it is very difficult to know where to draw a hard-and-fast line. I have drawn it at 20 L, because I know that people are much more comfortable and better off at that amount and upwards than below it.

3456. Have you read the evidence of Major Dalton given before this Committee?—I read as much of his evidence in the newspapers.

3457. Would you be surprised to hear that in referring to the tenants on the Cavan estate he says that small and large tenants paid their rent equally well?—Yes; I recollect he did say so.

051.

Mr. Foy—continued.

3458. Is not that *prima facie* evidence that small and large tenants are equally solvent, and are equally entitled to be considered?—No; I do not think that goes exactly to the question; they pay their rent well, but they may not have the means of purchasing their holdings all the same.

3459. But your opinion relates more to the fact of their not having the means, than to the fact of their being more likely to be affected in hard times, does it not?—It relates to both.

Mr. Wilson.

3460. Would you permit a tenant purchaser to subdivide, whether his loan was paid off or not?—I would not. I would allow him to sell his entire holding, or dispose of it.

3461. Even at the expiration of 35 years would you permit subdivision?—At the end of 35 years I would let him do what he liked with his own.

3462. Do you think that a tenant should be informed by the Board of Works what sum they would be prepared to advance before he purchased his holding?—I do. I think that is one of the first things the tenants ought to be informed of by the person who might be sent down; they should have the circumstances explained to them, and be told, "I would recommend the Board should advance to you such-and-such an amount of purchase money."

Chairman.

3463. Do I understand you to wish that a line should be drawn at tenants paying 20 L a year, and that those below should not have the opportunity of becoming owners?—Not exactly. I do not think it would be possible to draw that line, but I would say that I would, if it were possible, that this proprietorship should be confined to a solvent class which, I think, the very small holders in Ireland are not.

3464. You think that there is a greater proportion of persons paying upwards of 20 L a year who are likely to be solvent, than below that amount?—Yes, I do.

3465. But supposing a number of persons paying rent below that amount are able to pay the requisite money, would you be in favour of their becoming owners?—I am not in favour of creating a number of very small holders.

3466. Even if they were solvent?—Even if they were solvent.

3467. Then you would be in favour of drawing a line?—I would; but I do not know where I would draw the line.

3468. You do not think it is at all a matter of importance to the State, or to the individual, that tenants paying below 20 L a year should become owners at all?—I would not like to say that; no tenant below a rent of 20 L ought to have the power to purchase.

3469. Then what do you wish?—What I would wish to see would be the solvent tenants buy.

3470. I understand you to say that you do not wish to see small owners from the class now rented below 20 L?—I do not want to see a mass of them created who I do not believe would hold out for the half of 35 years.

3471. But I then put the question to you, if they were solvent, would you then wish to see them

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Mr.  
J.B. Greave,  
C.E., F.R.S.,  
28 March  
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Chairman—continued.

them become owners?—If they were solvent and industrious, I would not object to them.

3472. But would you give them any facilities for purchasing their holdings?—I would give them the same facilities as I would the others.

3473. Then how are you to draw the line?—I do not see my way to drawing a line.

3474. Do you think it would be just to draw a line?—No, I do not.

Mr. Hoggate.

3475. I understood you rather to mean that you would fear the continued solvency in that class of tenant?—Yes; I would fear that before the expiration of half the time; that class of people would, as we say, go to the wall.

Chairman.

3476. That is upon the assumption that they had to borrow the money?—Yes.

3477. But if they had the money?—Then it would be a great help to them.

3478. You contemplate, in all classes, a considerable proportion of them borrowing a portion of the money?—I have assumed that all the small tenants would have to borrow the entire sum; that they have not got the money at all.

3479. You do not believe that any tenants paying below 20 l. a year rent have the money?—I think very few have, because those men that occupy under 25 acres hold, as a rule, inferior land.

3480. Do you think there will be anything in a scheme which would make them into perpetuity leaseholders?—I have not considered that question.

Sir Walter Barttelot.

3481. Surely it would be worth while to consider whether it would not be just or wise, in the interests of the State, as well as of the people themselves, to create a class of such very small holders; that would be a fair consideration, would it not?—It would be a fair consideration.

Chairman.

3482. This report, which you have laid before the Committee, drawn up for Lord Mayo, has reference mainly to commoners, has it not?—Yes, it has reference to holders by lease, and to perpetuity holders; as regards holders paying no rent, it has, naturally, reference to commoners, as we call them.

3483. Then, as far as the report bears upon the question of small owners of land, it has reference only to a class of persons who have squatted upon commons without any right to the land?—Yes, certainly.

3484. Do you think that that is likely to be a fair experience of small ownerships?—No, I do not think it is.

3485. Those people had no right to be there, and had no title to the land?—That is so.

3486. Their title, as far as they had any, had its origin in trespass?—Yes, originally.

3487. Therefore it is not likely that they would build upon their improved lands?—No, but they have built cabins in some cases.

3488. It is probable that people coming into possession of land in that way would not build substantial houses, because they were liable at any moment to the owner of the land coming

Chairman—continued.

upon them and turning them out?—No doubt; they were originally all trespassers.

3489. And therefore, so far as this is an account of small freeholders, it is not a fair criterion?—No, it is not a fair comparison to compare them with persons who have purchased their holdings.

Mr. Hoggate.

3490. As a matter of fact, whatever be the origin of their title, was there any fear of their being disturbed; were there any evictions of them?—I can tell the Committee some instances that I know of on certain commons; some one or two squatters employed a number of masons and labourers, and knocked up their houses in the course of a night, and the next day some of the neighbours came and threw them down.

Chairman.

3491. Showing that the tenure of their property, at all events, is extremely insecure?—Yes; the other tenants objected to their encroaching and taking in a bit of this common on which they had their sheep and cattle grazing. The squatters got masons and labourers, as I say, and built a cottage by the morning, with a stone wall round the garden, but that was levelled the day after.

3492. Though the squatters may ultimately acquire a title to their property, it will be many years before they will be sufficiently secure to build on, or improve their property?—No doubt, but there is one case mentioned in which they did very well.

Mr. Hoggate.

3493. On the other hand, as they have got the land for nothing, they have more money in their pockets to invest?—I am afraid not; they have no money at all.

Chairman.

3494. But being merely squatters, it is hardly a fair example from which you could draw any deduction as to small proprietors?—Certainly not.

3495. Do you know what proportion of tenants pay less than 20 l. a year rent in Ireland; will you refer to this return which was prepared by Sir Richard Griffiths in 1861 (*Handing a return to the Witness*); would you not say that one-sixth of the whole tenantry pay above 20 l. a year, and five-sixths below?—Yes, that would appear to be so.

3496. Take the province of Ulster, what are the figures there?—There are only 34,000 holders of over 20 acres, out of 221,000.

3497. That is about one in seven; therefore, in Ulster, the effect of drawing any line with regard to tenants paying 20 l. a year would be, to exclude six-sevenths of the tenant farmers from the operation of the Act?—It would have that effect.

3498. Do you think it would be desirable that the small tenant farmers should have a fixity of tenure in some form or other; I do not mean in any way which has been suggested, but abstractedly, do you think it desirable that they should have a fixity of tenure of the land which they farm?—I think it would be for the benefit of the country.

3499. Have you considered by what mode that could be brought about?—No; I have not given

*Chairman*—continued.

given the matter any great amount of consideration.

3500. You do not think it should be done through the operation of purchase?—I think that would be a very good way if it could be done.

3501. But you do not see your way to doing it?—I do not.

*The O'Connor Dow.*

3502. Do you think that the relative proportions of the different classes of holdings have altered substantially since 1861, or that they are substantially the same now as they were then?—Looking at the last return of the Registrar General, the total number of agricultural holdings is now reduced to 545,000, but if you ask whether the relative proportions of the various classes are the same I should say that there is not much difference.

*Chairman.*

3503. Do you not think that, in the case of sales effected through the Landed Estates Court, the price given by the tenants in the Landed Estates Court may be taken as a measure of the value on which the Government loans should be made without coming to your office at all?—I think it may.

3504. Have there been any cases in your office where, upon actual valuation, it has been discovered that the price given in the Landed Estates Court is above the value?—No.

3505. Therefore, may we assume that, as a rule, except in very exceptional cases, the price given in the Landed Estates Courts by a tenant on buying, may be taken as the measure on which the Government should advance?—I think so, so far as I am competent to give an opinion upon the subject.

3506. So that a tenant may know when he makes an offer in the Landed Estates Court that he will get three-fourths or two-thirds of that without coming to your office at all?—I think so.

MR. WYBRANTS OLIPHANTS, called in; and Examined.

*Mr. Plunket.*

3516. I BELIEVE you have been for some time a magistrate of the county of Donegal?—I have been a magistrate for the last 46 years.

3517. I suppose that you spend most of your time in Ireland?—I am never out of the county, I suppose, not one month in the year.

3518. Have you had any experience or opportunities of observing the management of their land by small freeholders?—Yes; there is only one perpetuity holder in my district; he got a perpetuity a good many years ago. His holding was under the Poor Law valuation about 34 l. a year; he has divided that amongst his five sons; that is the only case in my district of such a thing.

3519. Would you approve of the introduction of a small class of peasant proprietors?—No; I would be entirely against introducing a poor, small, peasant proprietary; I think it would be most ruinous, and would cause pauperism and constant fighting and quarrelling amongst friends and families.

3520. Have there been in your neighbourhood, besides the person you mentioned, any

*The O'Connor Dow.*

3507. You think that there would be no danger in advancing three-fourths of that valuation?—Not in advancing three-fourths of the sum offered in the Landed Estates Court.

*Chairman.*

3508. Of course it would be open to the Board of Works, if the price were excessive, to submit the property to special valuation?—It would.

*Mr. Plunket.*

3509. I wish to ask you a question with reference to an answer which you gave to the honourable Member for Roscommon touching the number of persons employed in your office, and the expense of it; are all the civil servants who work in your office fully employed?—They are.

3510. Is their time fully employed?—There is a great deal of work to be done.

3511. Do you believe that any reduction of the staff could be judiciously made with the view of sustaining its efficiency?—No, I do not.

*Chairman.*

3512. You gave the Committee as an illustration a special valuation made of 20 holdings?—Yes.

3513. I think you stated that in that case the expense when spread over the whole number amounted to about 20 s. a-piece?—Yes.

3514. Supposing the valuation had been made for one tenant only, what would have been the cost?—If the valuation had been made for one tenant the cost would have been considerably more to him, because the travelling expenses would have been the same, though the time occupied would have been very much less.

3515. It has been stated before this Committee that the average cost of the valuation of a holding would be about 6 l.?—It would not be very far from it.

*Mr. Plunket—continued.*

instances of tenants who purchased their holdings under the Church Commissioners, or otherwise?—Yes; we have seven who have purchased their holdings; there is a very large glebe in my district, containing about 2,430 acres, and the valuation of it is about 275 l. a year; on that glebe there are 84 families, seven of whom have purchased their holdings. I will begin with the lowest; the lowest man who has purchased had been paying 1 l. a-year rent; he paid for the purchase of his holding 16 l., and 3 l. 10 s. costs, making in all 19 l. 10 s.; for which he obtained 10 acres of bog land from the Commissioners. The highest holder in the town land is a man who paid 5 l. 13 s. a rent; he purchased his holding by paying 30 l. down, and he pays 9 l. a-year for the next 10 or 12 years; he has got for that, I would say, seven or eight acres of arable land; he has that in five different places, and he has also a twelfth part of 200 acres of undivided bog.

3521. How do the other purchasers vary in the amount of their holdings?—They were paying rents of 2 l. 10 s. and 3 l. 10 s. Those are,

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are, I think, true and honest specimens of what the 3,000 or 4,000 peasant proprietors would be, whom the Commissioners have scattered all over Ireland, as far as I can see of them.

3522. But you say that in that part of your country there are a very great number of small holdings?—They are all small holdings.

3523. Therefore it would be scarcely fair to apply that to the whole of Ireland?—The gables in general are always the most out-of-the-way, taking them as a whole, and the smallest holders are upon them.

3524. And if the operation of tenants purchasing their holdings, when the estate came into the Landed Estates Court, were applied to the estates in your neighbourhood, you would regard those tenants, of whom you have now spoken, as fair samples of the kind of people whom you would have as purchasers?—Yes.

3525. Do you consider that the experiment in the case of those persons whom you have mentioned has been successful?—No, I do not think it has.

3526. Will you tell the Committee how they have been getting on since they purchased their holdings?—I see no improvement; the only thing I see is that from the very careless way in which the Commissioners have given them their holdings, there will only be fighting and wrangling about them; for instance, the 300 acres of bog is a thing about which they are fighting already. The proprietor who purchased the rest of the glebe summoned a number of them for cutting turf upon his part of it, and they came before the magistrates; I was one of the magistrates; these men produced as their title a bit of parchment which they held; the proprietor had not got his parchment at the time, although he had paid his money, so we dismissed the case; but I daresay we shall have many similar cases during the next five or six years, because they have got no map.

3527. Do they seem to be more energetic in improving their holdings than they were?—No; it is impossible that they could be; they have no means.

3528. Do you think that they are themselves pretty well satisfied with the experiment?—No, I do not think they are, for some of them have told me, since they purchased, that they would be very glad if they had not bought, because they have large instalments to pay, and they do not see any benefit in it whatsoever.

3529. Do you suppose that these men, whatever they paid, paid it out of their own pockets?—No, some of them said they had borrowed the money; some of them sold cattle, and tried to make it up in that way; but a great many borrowed. I would say, probably, that the man who was paying 1*l.* a-year rent, if he borrowed 10*l.*, would be paying just the old rent until the loan was paid off, because 2*s.* in the pound is the rate at which the local money-lenders would lend the money.

3530. As far as you can judge do you believe that the small tenants living around those people who have purchased would be desirous of having opportunities of purchasing their holdings on the same terms?—No, I do not think they would.

3531. Why do you suppose they would not be anxious to purchase their holdings?—In the first

Mr. Plunket—continued.

place they have not the money to pay, and they see that their tenant-right is so good that their position is better than that of those who are purchasing, and I do not think they have any wish to get into difficulties about the matter.

3532. There is a very full tenant-right in your part of the country, is there not?—Yes, they get from 30 to 70 years' purchase for the tenant-right. I have known some of them even get 80 years' purchase for it.

The O'Connor Don.

3533. What would be the rent of the holdings in which that price was given?—Probably it might be 2*l.* or 2*l.* 10*s.*

Mr. Plunket.

3534. I suppose, therefore, looking at these quarrels and threatened quarrels which you have spoken of, that, in any cases where tenants purchased, you would think it necessary to define very carefully their rights of way, and the easements generally?—Yes, certainly. I think that is the great mistake the Commissioners have made. After holding out inducements to these poor people to buy their holdings they will be spending their money in litigation, because they have no rights defined, and know nothing about them; they have their arable land in strips between land held by other tenants, some of them so narrow that they could not build their house across them, but would be obliged to build lengthwise.

3535. Does this very high value of tenant-right, which you have spoken of, depend upon the outlay of the outgoing tenant?—Not in the least.

3536. What does it depend upon?—It depends upon competition, upon the position of the place; if it is convenient to the sea for seaweed, and upon the landlord, if he is a landlord who allows tenant-right, and takes an interest in his tenants, they will prefer going under him.

3537. And, therefore, will pay a higher price for the tenant-right?—Yes, they would pay a higher price.

3538. By whom are the improvements in your part of the country generally effected?—Before the passing of the Land Act any improvements that were made, such as giving of drains and timber and things of that kind to the tenants, were always done by the landlords.

3539. But since the passing of the Land Act what has been the practice?—The landlords have given up that practice; since the passing of that Act they do not feel secure in Ireland in any way.

3540. What do you think of the security which there would be for the repayment of the Government loans by these small farmers?—I think it is very doubtful. I myself think that in five or six years hence the Commissioners will have a great deal of their land on their own hands again.

3541. In what way will that come about?—These men will get into difficulties, and will not be able to pay the instalments; they will either have to borrow the money, and pledge part of their land, or they will sell part of it, and then when that stage they will not be able to go on paying, and of course if the Commissioners come down upon them they will have to evict. When they come to evict they will find perhaps a house built that they know nothing about; they may find that

Mr. Parnell—continued.

that two or three people have mortgaged pieces of the land, and suppose the Commissioners get possession of the land no one will buy it from them.

3542. Why so?—Because these men will have mortgages upon it, and those mortgages must be paid off before anyone will venture to buy the land.

3543. That is to say for fear of the consequences?—Yes, when a man has a mortgage of 10*l.* or 15*l.* upon the land he considers he has as much right to it as the Commissioners themselves, and he will not let anyone take the land till he gets his money.

3544. Do you think that such persons would resort to violence?—They will threaten, and certainly no person will venture to bid for the land; they would not find pleasant neighbours. On the other hand, if the Commissioners said they would pay off the mortgages, I think it is very probable that those people who had been dispossessed would come to the Commissioners and say, "Now you must pay us our tenant-right, and then you may sell it to whom you like; you have got us into the scrape and you must get us out of it."

3545. It would not be a comfortable thing to confront the State with a tenantry in that disposition?—I think if the State begins it they will get themselves into a mess that they do not know anything about.

3546. Do you believe that there is much danger of subdivision if the small holders of land are entirely removed from the control of the landlords?—I do; I think subdivision will just go on as much as ever it did.

3547. In your part of the country there is no diminution of a desire to subdivide, is there?—Not a bit; and that is the great difficulty which a landlord has still to fight against. Although there is a clause in the Land Act prohibiting subdivision, yet they do not mind it in the least.

3548. There is a strong desire still amongst the small holders of land in your neighbourhood to subdivide?—There is, undoubtedly.

3549. What would be the effect, in your opinion, upon the labour population by the creation on a large scale of these small proprietors?—It would injure them very considerably.

3550. In what way?—Very likely these people, if they were able, would put up a lot of small bits as an inducement to these people to take them, and, may be, they would give them a day or two's work in the week, not being able to keep them on regularly; but they would charge them a very high rent for these places, and make a little money in that way.

3551. You think it would be injurious to the labouring population as well, then?—Yes, I think it would.

3552. So far as these small people might ever succeed in making themselves landlords to others, they would not be very pleasant landlords?—No, I think not; my impression is that the small classes of people cannot do without a landlord over them in some form or other; they must have a landlord to consult; they must have a landlord to stand in the front when they get into difficulties, in order to assist them, and they must have a landlord to secure them in their holdings.

Q. 51.

Mr. Parnell—continued.

3553. Are the relations good in your part of the country between landlord and tenant?—Yes, very good.

3554. All these opinions which you have been giving are with relation to the kind of holding which you have seen about your own place?—Yes, they are entirely as to what I have seen and heard every day occurring.

3555. And those are in the great majority of cases very small holdings?—Yes, very small holdings.

3556. What would you say is the average size of the holdings?—From five to eight acres.

3557. You do not mean to say that all those opinions which you have expressed would apply equally to a much larger class of tenants, do you?—No, I do not.

3558. You see there is a great difference in the solvency and the probability of being able to hold on to his land, in a tenant who is able to farm 20 or 30 acres of land, as compared with a tenant only able to hold six or seven acres?—Of course, a large holder is, or should be, much better off in my opinion than a small holder, but I doubt very much if even a tenant of that kind would be much the better for having his land to purchase, unless he had the money to pay for it. I would give any of these men who have the money in their pockets the opportunity of buying their farms if they chose, but I do not think that borrowing money in that way, that it does them a bit of good to purchase; when they have a good farm, and a good tenant-right established, I do not think they want anything more.

3559. As far as you have seen of the experiment of those who have bought under the Church Commissioners, you consider, as I gather, that the experiment has not been successful?—I am sure of it, and I venture to say that in a short time the Commission will find that out; I am referring, of course, to agricultural people, and not to holders of town lots.

3560. You say also that the people who have purchased think so themselves?—They do in my neighbourhood.

*The O'Casey Den.*

3561. Your experience is confined to a very peculiar description of land, is it not?—Some of it is very good clay, and some of it is very good bog.

3562. Would you call it good land?—I would call it fair, if it were well farmed and laboured; it is not as good as in the south of Ireland, and not as good as in other parts, no doubt.

3563. But when we find that the rent is at the rate of 1*l.* per 10 acres, must it not be very inferior land?—There is a reason for that; the clergyman who had the parish some years ago cut out the wild bog and gave the man I have referred to 10 acres, and put 1*l.* a year upon it, therefore, I do not put any value upon that land. I dare say in the ordnance valuation that land would not probably be set down at more than 1*s.* an acre, if as much.

*Chairman.*

3564. Is the whole glebe in that condition?—No, there is a very large extent of mountain land attached to it.

3565. Is the land which has been bought by these

Mr.  
O'Flaherty.  
18 March  
1878.

Mr.  
O'Lybert.  
28 March  
1878.

*Chairman*—continued.

those occupiers who have been so unsuccessful, chiefly mountain land?—No, they have arable land; they have also got a twelfth-part of this undivided bog, the rest of their holding being arable land.

3566. Is it in the mountain district?—The mountain goes up behind it; it is near the sea-side. The arable land in the district runs along the coast, and then the mountain lies behind that.

*The O'Connor Don.*

3567. Are you acquainted with other parts of Ireland?—Yes, I know them pretty well.

3568. Would you say that this particular instance which you quote would be a fair sample of the occupying tenants in Ireland?—I think it is a very fair sample of the glebe properties.

3569. Do you know any other glebes?—Yes, I know a number of glebes in my county; all these mountain districts are much the same.

*Mr. Heggote.*

3570. Just going a little beyond your own immediate district, but still in the county Donegal, are you acquainted with the costs attending the sales of the Church Commissioners in the glebe lands of Killybegs?—Yes, I have heard a good deal about that.

3571. Is it not the case that the glebe lands of Killybegs were some 8 or 10 miles distant from the parsonage?—Yes.

3572. And situated in a mountain district?—Yes.

3573. Was not it the fact, that in consequence of that, and perhaps also of the frequent change of the clergymen, those lands were not particularly well looked after, from a landlord's point of view?—Yes; I should think the lands were not looked after at all.

3574. As long as the rent was paid, the tenants were not looked after at all?—Quite so.

3575. They were allowed to buy and sell, and mortgage, and commit any amount of waste, were they not?—Yes.

3576. That was the state in which those lands were when they came into the hands of the Church Commissioners?—So I have heard.

3577. And how many tenants did they find upon the land?—I think the number was between 60 and 70.

3578. They had the offer to purchase their holdings, had they not?—I heard they had.

3579. What did they do?—I believe, as well as I can understand, that there was only one of them who purchased.

3580. And of that 70 who remained, was not it the fact that the rent amounted to 164*l.* 15*s.* 9*d.*?—I have heard that a gentleman purchased at that rental, and that afterwards, when he went to examine, he found 20 cottier holdings in addition to those he had purchased, or thought he had purchased, and I believe he has made some claim upon the Commissioners in that respect. I have not heard that from himself, but from other gentlemen who know the circumstances.

3581. Do you know what the rents paid by those other 70 tenants were; do you know how low they went?—I believe some of them went down as low as 5*s.*

3582. Do you know whether the Commissioners were able to afford information in regard to the sub-tenancies before the sale?—I know a

*Mr. Heggote*—continued.

gentleman who wrote to them wishing to purchase, and they told him that they could give him no information about the poor-rates or sub-tenancies, or anything else.

3583. That was not the gentleman who purchased the estate, was it?—It was not.

3584. But the gentleman who subsequently purchased made a claim upon the Commission in respect of the sub-tenancies?—Yes, for the cottier tenants; he found that it would cost him a great deal to get rid of those sub-tenants, because they had been there for a considerable time, and settled there.

3585. Does this state of things at Killybegs show, to your mind, what is very likely to be the case, where land is entirely in the control of a small class of tenantry untrammelled by restrictions?—Yes, I think so.

3586. Do you think that the same tendency which existed before the famine time to subdivide still exists?—Yes, I do.

3587. It has been suggested in the course of the evidence that that tendency no longer continued, but in this case is it not the fact that these 70 tenants with 20 sub-tenants were found upon the glebe?—Yes, congregated upon the glebe.

3588. So that, as far as your experience is concerned, the tendency to subdivide remains as it was before?—I do not see any change in it at all.

3589. I would ask you a question with regard to the high value of tenant-right; you spoke of its running from 30 to 70 years?—Yes.

3590. I do not understand you to give that as the value of tenant-right in the county of Donegal generally, but as an exceptional case?—No; I know that in all parts of the county Donegal the value of tenant-right is very high; they have the advantage of proximity to the shore, and many other little advantages, and there is a great difficulty in getting land.

3591. You are only talking of small holdings, I suppose?—I am talking now of small holdings, but the larger farms also bring a very high price for tenant-right.

3592. It would not be so high as that, would it?—Not having had any experience in selling large farms, or seeing them pass through my hands, I cannot say.

3593. As you have told the Committee, the average acreage held in your neighbourhood is small?—It is.

3594. I think you stated that, in your view, the value of tenant-right does not in the slightest degree depend upon the improvements which may have been made?—Not at all; it just depends upon this. I will tell you one thing which has raised the value of tenant-right. People come home from America, having made a little money, and they like to come back to where they went from; it is very difficult to get a place where they can settle, and they will give anything to get into their own locality again.

3595. It is a matter of competition for the right to occupy?—Yes; in paying this money for tenant-right, they never calculate upon the interest of the money; they look upon it as being put into the bank, and there it lies; when they go away, they can draw it out; they never put the interest of their investment along with the rent, or calculate it in any way.

3596. Do

Major Nolan.

3598. Do not you think that it is rather an artificial state of society, when men do not calculate the interest?—I do not think it is a prudent thing, but it is their habit.

3597. Do not you think it would be a more natural state of things if the men were able to buy the property out and out?—I think they consider it just as safe under tenant-right as in any other way; they get the property, although they are not able to buy the farm out and out.

3598. But if they could buy the land at 30 years' purchase, would not it be a more natural way than buying tenant-right at 70 years?—That might be so.

3599. If we had a state of society which enabled a man to buy on 30 years' purchase instead of giving 70 years' purchase for the tenant-right, would not that be a more advantageous condition of society?—I do not know. I think a man had better borrow the money and pay a small rent, and have possession of the land, than be the owner of it.

3600. Is not there in many other countries a great desire for actual ownership of land, as in France and Prussia?—I think these countries are quite different from Ireland; I do not really know. I merely just take the place as I find it, as it has come before me every day in cases of this kind. I do not think that in any place it does to subdivide land, and cut it up into small pieces.

3601. As I understand, you do not object to the land being cut up into small tenancies, but you object to its being cut up into small properties?—No; if I had the management or the getting of properties I would like to have them in large tenancies, but having already the small tenancies I would keep the small tenants on it; I have no objection to small tenants, because they pay their rents well, and are quiet people, and I can live on with them very quietly and happily. Of course, if I had not the misfortune to be put in a backward part of the country, I would like to have large tenants.

3602. They might not be so fortunate as to get a tenant-right landlord; if they got another landlord they would not be safe?—They would not.

3603. But if they were their own proprietors, they would not run that risk?—But they cannot do without a landlord over them; they must have some one to guide them and direct them. You could not make proprietors of them. One looks upon proprietors as respectable people, and useful to the country, but you can make nothing of these men.

3604. Do not you think that it is owing to the history of Ireland and the laws of a hundred years back, that we associate proprietorship with large ownership?—I think what made these small ownerships of old was the making of the forty-shilling freeholder. Some years ago they cut up the property in order to get votes in Parliament, and we, the generation coming after that, are now suffering from it.

3605. But if land could have been easily bought and sold without any cost, as stock is bought in a fair, do not you think we should have more small proprietors in Ireland at the present moment?—I do not think you would amongst the class of men paying 10 L., or 12 L., or 15 L. a year rent.

3606. Not if land could be bought like stock?—5 L.

Major Nolan—continued.

—I do not think so; I think this class of tenants like to have a gentleman over them; they like the old system.

3607. Do you think that that happy state of things exists all over Ireland?—It exists in every part of the south of Ireland, that I know.

3608. In a county where there is no tenant-right at all, as has been stated to be the case in Kildare and Meath, I think, do not you think it would be a good thing if a man could invest his money in that sort of property?—I think if a man can pay his money and get his property, he would be entitled to do so; but I do not believe in the State encouraging and helping, and almost forcing them into it. If a man could pay the money down, I would give him his farm at once.

3609. You have a preference for a state of society in which there are landlords and tenants, over one in which there would be a considerable number of small proprietors?—I have.

3610. You like tenants as tenants, but not as proprietors?—I like any tenants, and I think they like me, but I would not put them into a situation which they could not fill; they are not the class of men to fill the situation of proprietors.

3611. You do not think that the experience of other countries ought to influence us in Ireland?—I do not know anything about foreign countries, and I do not like foreign habits in any way.

Mr. Fernal.

3612. Do you not think that a small tenant becoming a proprietor loses what may be called "the back at his back," on his giving up his position as tenant and becoming a small proprietor?—I do think so.

3613. Do not you think that in bad seasons he will miss the landlord?—I do.

Chairman.

3614. What was the name of the glebe immediately adjoining you which you spoke of?—Raynhamterdeny is the name of the parish; it is in the diocese of Raphoe; it lies 45 miles from the nearest railway, so you may suppose it is not a very well-known place.

Mr. Fernal.

3615. With regard to these holdings upon which you say there was such a very high tenant-right, I suppose they were very small rentals?—Yes, the rental was small; I said it might be from 2 L. to 3 L.

3616. Then it would show that the rate was somewhat exceptional; a farm of from 20 L. to 30 L. a year would not fetch the same in proportion?—I am not talking of those farms; we have so few of them. I do not know of any farm of that size being sold in my part of the country.

3617. In giving that number of years' tenant-right the incoming tenant did not lay down a large sum of actual money in that case, the rent being so small?—He paid whatever the tenant-right amounted to.

3618. But he did not pay down a large sum of money because the rental was so small?—That would be so, of course.

Mr. Fay.

3619. You say, and I believe from what I hear, that you are perfectly entitled to say, that a tenant is quite safe with you for his life; that

Mr.  
O'Connell.  
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Mr.  
Ophiers.  
28 March  
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Mr. Fay—continued.

he would not be turned out?—He is, so long as he pays the rent and behaves himself.

3620. I suppose no tenant you have ever met with demands more than that he shall not be turned out as long as he pays his rent?—And behaves himself.

3621. You set up to that?—I do.

3622. Are you one of these people who say that our people are wanting in prudence and forethought?—No, I think they are very prudent and wise.

3623. And thrifty?—Yes.

3624. If you were the tenant of a large property for life, would you consider yourself a very prudent man if you did not endeavour to insure your life by dealing with some insurance company so as to protect your family upon the determination of your interest?—I would certainly like to have my family well secured at its termination.

3625. Looking at that insecure tenure of the part of the tenant, could you, as a wise man of Ireland man, suggest any means of protecting the tenant by in some way securing to his family the advantages which are determined by the possible ending of the life tenure?—I really think that the best security would be just to let them alone.

3626. You would hardly say that with regard to your own life estate?—No; but that is a different thing. These men know that they have their tenant-right secured to them; there is no one can put them out without paying them that sum of money, they are sure of that.

3627. That is, under the Land Act, without being paid a certain sum of money?—I am referring to the tenant-right.

3628. Do you then consider that tenant-right is in all or in any case an equivalent to a farmer for the loss of his farm?—No, I do not say it is, because every man who is put out of his place, does not like to lose the place in which he was born and bred up; but there are very few landlords who would begin and purchase their property over again at 60 or 70 years' purchase, which they would have to do if they bought out these tenants.

3629. In county Donegal I presume there are scarcely any cases of harsh proceedings?—I do not like to be personal; and I do not think it is a fair thing to ask me about other landlords; in my own neighbourhood there are none. I dare say you are aware that the great majority of the landlords in the county are in favour of tenant-right.

3630. I think there is a place called Gweedore in Donegal?—Yes.

3631. It was unfortunately the scene of a murder some time ago, was it not?—No; I think not. I do not think there could have been one there; it belongs to Lord George Hill.

3632. Where is Mr. Adair's property situated?—It is about eight miles from me.

3633. Do you consider that there was any hardship enacted towards the tenants in that place?—I would not like to answer that question. Mr. Adair said, as well as I remember, "If any more murders occur upon my estate I will put out every person who lives upon the townland where that murder occurs."

3634. Was the murder there a cause or an effect, and a very unhappy effect, I should say; was not the murder upon which he based his

Mr. Fay—continued.

declaration the result of harsh treatment towards the tenants?—I could not answer that.

3635. But it is only half-a-dozen miles from you?—I would prefer to give no opinion about other proprietors. I think when you come to murder cases you must be very cautious.

3636. Were they tenants from year to year upon the Adair estate?—They are small holdings.

3637. What proceedings upon the part of Mr. Adair led to the agrarian outrages of which he complained?—I believe it was in consequence of his having let some mountain districts to Scotch farmers and having stocked them with sheep.

3638. Did he in letting them to these Scotch farmers displace the previous tenants?—No, not at all.

3639. Then there were no cases of ejectment?—No, I believe not.

3640. Has he any son?—He has no son.

3641. You say that the small tenants pay their rent well, according to your experience?—They do.

3642. Have you thought over the effect from a Constitutional point of view, of the creation of peasant proprietors?—I would not have them at all.

3643. A very large and experienced land agent, Major Dalton, declared that he believed a peasant proprietary would be naturally supporters of the Constitution; you do not agree with that assertion?—I do not agree with it.

3644. He would be rather antagonistic, you think?—I do not think he would interfere in any way.

3645. Giving him an interest in the country would not make him a supporter of the Constitution?—He has quite as much interest as it is now.

3646. You think he would rather depend upon a good landlord, like yourself, for example, than upon the State for his tenure?—I think he would, for he knows me better than Her Majesty.

3647. Why is it that a peasant proprietor, as regards his few acres, could not hold the same position towards himself as that of a landlord towards a tenant?—Because he cannot do without a landlord; take the landlord from him, and he is helpless; that is the case at this moment.

3648. I would like to know what is the reason for that; in what respect does he require the daily sustenance of the landlord?—If he wants any advice he must come to the landlord.

3649. What sort of advice do you refer to?—If he has any dispute with his family; if he is going to be turned out of his place by his son, which is a very common practice. When the parents become old, infirm, and helpless, the daughter-in-law very often thinks them very troublesome, and in the end they are treated badly and turned out, and if the tenant had no landlord to go to, and secure him the place, he would go to the workhouse; they must have a landlord.

3650. He is guide, philosopher, and friend to the tenants?—He is everything to him.

3651. Do you think Mr. Adair stood in that light towards his tenants?—I dare say Mr. Adair, if a case of that kind occurred towards a tenant, would take and put him into his holding.

3652. Now, in the case of Mr. Buckley, do you think he was a guide, philosopher, and friend to his



Mr. Fay—continued.

his tenants?—I know nothing of the south of Ireland.

Mr. Wilson.

3653. You say that the tenant has a certain interest in the land; in the county Donegal he has more interest than the landlord in some cases, has he not?—He has, when you take his tenant-right into consideration.

3654. He could sell his tenant-right for more money than the landlord could sell the fee for?—He could very often get double as much.

3655. I believe there is a fear of new proprietors, is there not?—Yes, I do not believe any of them would buy but for the fact that they do not know when they may get over them.

3656. You say that the small tenants require the protection of a landlord?—Yes, they do.

3657. Would you say that the larger tenants in the county Donegal would not?—I do not say they would be the worse for them, but they are a better class of men entirely.

3658. You would not allow of a subdivision of the lands after purchase?—I would not; if you force these small holders to become proprietors, and then they begin to subdivide, of course, you will soon ruin the country.

3659. Even after all the charge is paid off to the Board of Works would you say they should not subdivide?—I think they should never subdivide if they were wiser themselves, but I am afraid they will subdivide, or at any rate mortgage a great deal of their property. I am sure it will be always changing hands.

Chairman.

3660. You state that the value of tenant-right in your part of the country often amounts to 70 years' purchase?—It often amounts to double what you would get for your property. Under the new arrangement, I suppose I could get 23 or 24 years' purchase; I have no certainty of it now at all.

3661. But the tenants often pay one another, as I understand you, 70 years' purchase for the tenant-right, do they not?—They pay double what I would get if I were selling the land to them.

3662. Do I understand that the value of tenant right rises so much as 70 years' purchase of the rental?—Yes.

3663. Is that the case on lands immediately adjoining you?—Yes, from 30 to 70 years. The rate varies very much according to the position of the place, but it is enormously high.

3664. Do you suppose that many of the tenants of the glebe land have given anything like that?—I cannot exactly say; but I should suppose that glebe lands, from their position and everything else, would be sure of getting 30 or 40 years' purchase.

3665. Why not the others?—Because they have no advantage in the shape of procuring seaweed, which is a very profitable thing.

3666. Was the glebe land highly let or not?—No.

3667. Was it let at about the average rate?—Yes, it was about the average; they might get more if the land was well worked and laboured; but the glebe lands were divided into lots situated in four, or five, or six places. If a man has his farm in one lot altogether he will get more for it than if it is in detached lots.

Q 51.

Chairman—continued.

3668. The land had been badly looked after, had it not?—Yes, the land had been badly looked after, and badly divided.

3669. Consequently the rents were rather low, were they not?—They were about the same as usual. The separation of the lots arose in this way: when they were dividing these places, if a man had land of a better quality than another, the agent would go among them and try and make it equal.

3670. But the value of tenant-right was not quite so high as elsewhere, because of the farms being subdivided?—Yes.

3671. You account for the very high tenant-right by the fact that people came from abroad, and wished to buy a little land in their native country?—Yes.

3672. Now, supposing people came back from America in that way, and wished to buy the freehold, could not they do so?—If they came with money, and there was a freehold to be sold, they could buy it.

3673. Is it likely that there would be freehold to be sold?—I do not think it is; there is very little for sale.

3674. Apart from the Church Commissioners' arrangements, was there any possibility or probability of a man returning from America being able to buy freehold land in four parts of the country?—I do not know of any landlord being about to sell; they will buy the tenant-right at any price.

3675. But supposing there were a certain number of freeholds in the county, would not the price be very high?—I do not think it would be much above that of tenant-right.

3676. Suppose a man would give 30 years' purchase for the tenant-right, would he not give much more for the fee?—I do not think he would give much more for the fee.

3677. Do not you think he would give anything more?—I do not think it would make the slightest difference.

3678. Do not you think that men coming back from America with money in their pockets, and being accustomed to a country where land is held in fee, would be more anxious to get land in fee in Ireland than land in tenancy?—It is not often that people who come back from America have land in fee there; they are more generally people who have earned money there in other employments, which they are anxious to invest.

3679. Do not you think that people coming from America in that way would be more anxious to have the fee of the land than a tenancy?—I suppose they would, if they could get it.

3680. But they have no opportunity of buying it as at the present time?—I do not think they have.

3681. I think you mentioned seven tenants who had bought glebe land under the Church Commission?—Yes.

3682. Do you know what purchase-money they paid?—The man who had paid a rental of 1 £, paid, as I have stated, 19 £. 10 s., made up of 16 £. for the purchase, and 3 £. 10 s. for the costs.

3683. Do you know that the average price given by the seven, was about 16 years' purchase?—I heard that the person who bought the remainder of the glebe paid about that.

D 2

3684. I understand

Mr.  
Alphons-  
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Mr.  
O'phert.  
28 March  
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Chairman—continued.

3684. I understand that he only paid 12 years' purchase?—It was Mr. Doherty, and I heard that he got the land very reasonably.

3685. Supposing any one of these new purchasers were dissatisfied with his purchase, and wished to sell it, could he get a very large sum for it?—I dare say Mr. Doherty would give him something considerable for it, and I will tell you why Mr. Doherty has purchased a number of these tenancies; but as there are these men with their strips of land running through his property, he cannot make drains, and neither can these men make drains, because the moment they cut five or six perches the water goes into their neighbours' land.

3686. But suppose they wished to sell their interest in the land, which is now the fee, do not you think they would get a very large sum for it?—I do not think they would get much more than the tenant-right would fetch.

3687. Do I understand that the circumstances of the country are such that it is almost impossible that small ownerships can exist there?—I think these small people can exist very well as tenants, but I do not think they can exist as owners at all. I think some of them will be in the workhouse very soon. They will divide and subdivide among themselves; they know nothing more than that.

Major Nolan.

3688. I understand the whole of your statements only apply to a country where tenant-right is very high?—It is the place I know best, but I believe in the whole of county Donegal tenant-right is very high.

3689. All your deductions only apply to districts where there is a high tenant-right; you would not apply your deductions to a place where there was a low tenant-right, such as five or six years' purchase?—No, that would be nothing to a small tenant; the money he would get for it would not take him to America if he wished to go there; that is a different thing altogether.

Chairman.

3690. I understood you to say that you were strongly in favour of tenant-right?—I am.

3691. What is your ground of approval?—Most of the tenants have purchased, and I think you cannot break them of the habit now. Moreover it is, in some respects, useful; for example, if a man gets into difficulties, he has the means of procuring money to take him out of the country; he will sell, and sell well; it pays all his debts, and takes him out of the country free.

3692. It also gives him a sense of security for his holding, does it not?—Yes.

3693. The mere power of sale is a power which would apply to ownership; if he is the owner he could sell?—Yes, of course he could.

3694. All things considered, would he not be better off as owner of the fee than of the tenant-right?—It makes very little difference whether he is owner in fee or possesses the tenant-right. I consider such a man holding under tenant-right is as much the owner as I am, because I could not put him out; it would cost me more than it is worth.

Chairman—continued.

3695. So that, practically, tenant-right is valuable because it combines ownership with security?—Yes, if the tenant does not become a bad character there is no chance of putting him out.

3696. Therefore there will be no reason for granting him the remaining part of the proprietorship, in your opinion?—None whatever.

Mr. Heygate.

3697. You lived in Ireland during the whole of the famine, did you not?—I did.

3698. Is your strong view against subdivision the result of your experience of that period?—Yes, I see the ruin of it.

3699. The country has been very much improved since then, has it not?—Yes, there is a wonderful change in the country.

3700. And you are afraid of going back to the former condition?—I have no doubt that if these men all became proprietors the peace of the country will soon be in a very unsettled state; there would be constant fighting between these men and their sons and their families about these places.

3701. You have had very bad times the last year or two, have you not?—Yes.

Chairman.

3702. Have the rents been paid punctually?—I think so, on the whole.

3703. Does tenant-right give a security for the payment of rent?—Yes, in this way, that if a tenant cannot pay his rent, you put him out, and take it out of the tenant-right.

3704. Therefore the tenant-right is, in that way, a security for the rent?—It is, in that way.

Mr. Pimmet.

3705. But, as far as I understand you, all your objections to subdivision, and the helplessness of the small proprietors, who would be launched out without any capital of their own, would equally apply whether there were tenant-right or not?—They would.

Mr. Verner.

3706. In the case of two or three bad seasons, what would become of the high price of tenant-right?—There will be always some one to buy; whereas, on the other hand, it would be very bad for those who had borrowed the money, and had to pay such a large sum of money every year to the Commissioners.

Chairman.

3707. Have there been many cases of people coming back from America and buying tenant-right in Ireland?—A good many.

Mr. Heygate.

3708. When you stated there was no land for sale, are there not advertisements of land for sale in the newspapers every week?—Not in my part, but in other parts of the country there are some portions of land for sale.

MR. ANDREW DEGNAN, called in; and Examined.

Chairman.

3709. You are a Farmer in county Cavan, are you not?—I am.

3710. I believe you also do some business as a road contractor?—Yes.

3711. You had been able to save some money in that way, I believe?—I had.

3712. Did you hold a farm under the Church Commissioners?—I did.

3713. What was the extent of that farm?—Fifty-three acres.

3714. What was the yearly rent?—It was 30 l 18 s.

3715. Was it poor land, or what was the condition of the land?—It was bad land when it came to my hands from my father; it is not so bad now.

3716. Was the rent about the average of that part of the country?—Yes, it was.

3717. You bought your farm from the Commissioners in 1874, did you not?—Yes.

3718. What did you give for it?—The amount of the purchase that was levied on it was 690 l.

3719. That was something over 32 times the rent, was it not?—It was about 23 times. When the Church Commissioners sent a valuator on the farm, as I had it better improved than the rest of the townland, there was a year's purchase more put upon it than upon any other of that townland.

3720. How much money was paid down to the Commission?—I paid down one-fourth, and then there was a hanging half-year's rent that lay over the land.

3721. And you gave a mortgage for the difference to the Commission?—Yes, I did.

3722. Has that mortgage been repaid by instalments?—Yes, it has been repaid by instalments at the rate of 14 l 5 s. in the half-year.

3723. I think you first heard that the Church Commission were going to sell the land to tenants in 1870, when the Church Act was passed?—Yes; I saw just after the Church Act was passed that the tenants would get the privilege of buying their holdings.

3724. In consequence of that, did you set to work to improve your land?—I did, and I built a house upon it.

3725. With the knowledge that you would be able to buy it?—Yes; I knew that I had some money saved at the time, and that I would be able to buy the land.

3726. What did you do?—I made about 330 perches of ditches and quacks.

3727. Did you build a good house upon it?—Yes.

3728. What money did you spend upon the house?—I spent about 400 l.

3729. How much did you spend upon draining?—I would warrant I expended 30 l. upon draining.

3730. Did you build offices?—I did.

3731. How much did you spend upon them?—About 180 l., and I have materials purchased to build more this summer.

3732. Were you induced to do that by the knowledge that you would be able to buy?—Yes; I would not have spent any money but for that, because the last landlord that came in raised 0.61.

Chairman—continued.

the rent to double, 45 years ago. At the time he came in the whole townland was only set at half the rent that we have to pay for it now; the people all were afraid to improve the land; they thought he would get away to be a bishop. When there would be a report of a bishop dying, there was an expectation of another landlord coming in and doing the same thing, so that there was a great deal of the land running wild.

3733. As I understand you, the last vicar when he came in 40 years ago doubled the rent of the land, and you and the other tenants of the land were afraid that when a new vicar came on, he would follow the same example?—Yes; and no improvements were made, because when any man would be seen draining a field, the rest of the townland would be laughing at him, saying that the present landlord would go away and be made a bishop and then their rent would be raised again.

3734. Was that the general feeling of the tenantry of the globe?—That was the general feeling of the tenantry of the country as well as of the globe.

3735. And, therefore, they decline to make any improvements?—Yes.

3736. It was only when you ascertained that you would have the opportunity of buying the land that you yourself thought it desirable to improve it?—Quite so.

3737. I gather from you that the vicar did not raise the rent during your tenancy?—No, he did not make any further change.

3738. He doubled the rent when he came into possession of the land?—Yes.

3739. And what you were afraid of was, that when the next vicar came, he would raise the rent?—Yes; we were not afraid as long as the first remained there, because he promised he would not raise the rent during his lifetime, or as long as he remained with us; but we were afraid of his being removed, and then another vicar coming in.

3740. How many tenants are there upon this globe?—There are about 27 or 28.

3741. How many bought besides you?—No one living in the townland bought except another man and myself.

3742. Were not two holdings bought by men living on adjoining estates?—Yes; one man living on Lord Gosford's estate, bought five acres; another man bought 15 acres; another man bought 11 acres and three rods; and a few years ago, when the tenants got a second chance of buying, one man sold his title who had not bought, and a man on Mr. Lloyd's property bought it, and took the property.

3743. Why did not the other tenants buy?—They had not the money, and could not get it.

3744. What did the other man do who bought besides you?—He got only 20 half years to pay off his mortgage.

3745. That is to say, he was bound by the Church Commissioners to repay the purchase money in 10 years?—Yes; his rent amounted then to 16 l. a year in place of 8 l.

3746. Was it in consequence of the smallness of the amount of the purchase money that the

36.  
A. Degnan.  
12 March  
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Mr.  
A. Dwyer.  
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28 March  
1878.

Chairman—continued.

Commission would not spread the payment over so long a period as was allowed to you?—That was the cause of it.

3747. In consequence of that, his annual payment was increased from 8*l.* to 16*l.*?—Yes; he got a shorter time to pay it.

3748. At the end of 10 years his land would have been free?—Yes.

3749. Although in the meantime his outgoings were double?—Yes, they were.

3750. Did that bring him into difficulties?—Yes, it did.

3751. Was he obliged to sell the farm?—He got another farm that year by the death of his father-in-law, and he sold out this one, but he would not have been able to have kept this one; he would have kept this one if he had been able to keep it, but from the first commencement he borrowed other money, and was not able to pay it owing to the heavy indemnity that was on him yearly.

3752. Therefore he sold the property?—Yes; a great many came to bid for the property, and ran it up high; anywhere where there was a piece in the country where the Government was the owner or the security for it, it would go for about four times the purchase that it would fetch under a landlord.

3753. How much did that land sell for?—It was auctioned at 250*l.*, and the fees were 12*l.* 10*s.*, and 12*l.* remained in instalments to be paid upon it.

3754. Then it was sold subject to a payment of 12*l.* to the Church Commissioners?—It was.

3755. It was also subject to 12*l.* 10*s.* for costs?—Yes, for fresh deeds.

3756. What did he give the Church Commissioners?—£.50*l.* 3*s.* at the first going off, and then he paid 24*l.* over his own rent along with that.

The O'Guer Don.

3757. What was the name of this man?—Dunn.

Sir Joseph Lubbock.

3758. What is the size of the farm that you bought for 680*l.*?—Fifty-three English acres. We used to pay the rent by the Irish measure, but it did not amount to that in Irish measure.

Chairman.

3759. At all events, the farm sold for a very much larger sum for the land than the man had given the Church Commissioners?—It was my brother who bought the last-mentioned property; the price would not go so high if the farm had been under a landlord at all.

3760. Is there any tenant right in that part of the country?—Yes; but I do not see much getting of it.

3761. Is there a recognised tenant right in that part of the country?—Yes, there is.

3762. Practically only four of those holdings were sold to tenants on that glebe?—Yes.

3763. Have there been any other purchases in your neighbourhood by tenants?—Yes, there have, upon Lord Gosford's property.

3764. What happened there?—A good many of the tenants bought their holdings; about half the property was sold.

Chairman—continued.

3765. Do you know what rate the tenant purchasers gave for the land?—The tenants had to pay 25 years' purchase, and any that was sold to strangers in lots was sold for under 20 years; the bogs were put up in cuts; some of the bogs were a mile or two miles from the farms of the tenants, and as the Landed Estates Court did not lend any money on the bogs, the tenants had to lay down the money upon the bogs in cash.

3766. Did half the tenants buy on that property?—No; half the property was sold between what the tenants and other parties bought.

3767. What proportion did the tenants buy?—I could not recollect.

3768. But a good many of the tenants bought?—Yes, a good many of them bought.

3769. Had many of them to borrow the money?—They had.

3770. Besides the amount lent by the Board of Works?—Yes; there were some men who borrowed money at the rate of 7 per cent.; those who could borrow at any risk would lay down a third of the money sooner than run the chance of a bad landlord coming over them.

3771. What was the average size of those holdings?—They were different sized holdings from five and 10 acres up to 20 and 50 acres.

3772. Were there some below 10 acres?—Yes, there were.

3773. Was there a great anxiety on the part of the tenants to become owners?—Yes, there was; because they do not find the same haste for putting a good crop in the ground unless they have a good landlord.

3774. What they mainly fear is that when the land is sold, another landlord will come over them?—Yes, that is it.

3775. Do you think that the money lent by the Government is safe?—Decidedly so; because in case a man took a notion to emigrate, or to leave his farm, there would be men from all parts coming to buy it, that is to say, strong men. It has been said in some of these sales that the best way a poor man could make money was to buy his holding under the Government, and then put it up to auction, because there would be twice as strong men as himself and to get the chance. A great many poor men regret that they could not get the money to borrow, because, supposing they sold the land three months afterwards, they could make so much by it; I know that was the case with other tenants on the glebe.

3776. Does it come to this, that there is a steady demand for land, and that land in land is letting for a very high price?—Yes; I see no land without there is some one to look for it, let the landlord be ever so bad.

Mr. Plunket.

3777. And there is a great inclination on the part of tenant purchasers to make a good bargain?—No doubt there is.

Chairman.

3778. Did any of those, having borrowed the money to buy their holdings, sell their holdings again immediately?—No, they did not; they are holding them still. They are bound by agreement not to sell or mortgage. I do not think the land in estates would be the land to sell, but this was one of the glebe property.

3779. Yes.

Chairman—continued.

3779. You say the money advanced by the Government would be secure; would that be on account of the tenant's interest being secured in the land?—Yes, because in about five years the land would be worth so much more.

3780. That is to say, from the improvements which will be made?—Yes; because when they get their title from the Government, they would work night and day to improve the land; parties who have families of their own to carry on would work on a moonlight night just as well as in daylight.

3781. You think as soon as they become owners they will work to improve the value of the land?—Yes; in about five years the land would be worth twice as much, and would bear twice as productive a crop. I have seen the proof of it.

3782. If they wanted to sell them there would be plenty of purchasers to buy?—Yes, there would be plenty waiting for the chance.

3783. Do you think there is any fear of those small owners dividing their land?—I do not think there is, because most generally the parties who used to sublet and subdivide the land were under bad landlords, where they had too big a rent upon them, and had no encouragement to improve.

3784. Do you think they would have no motive to divide their holdings?—I think the motive would rather be to make them bigger, and by improvements they would be of opinion that they would be able to make a living for the family without dividing or sub-letting.

3785. How many children have you yourself?—Eight.

3786. What do you propose to do upon your farm?—I do not intend to divide it.

3787. But to leave it all to one child?—Yes, if I was to die to-morrow.

3788. Charged with portions for the other children?—Yes; because in the case of small tenants buying through the country, it would not be long before every division of it would be sold, and those who had bigger takes would be all buying them in.

3789. Is there a general desire among the tenants of your part of the country to purchase their farms?—Yes, nothing in the world annoys them so much as that they cannot get the chance of purchasing.

3790. Do you think it would have a good effect upon the improvement of the country?—Yes, I am sure of it.

3791. And also in giving greater security generally?—Yes, certainly.

3792. What is the feeling of the country about tenants purchasing their farms?—In the first place, as far as I can understand, it would do away with the society business in Ireland, such as Fenianism, and so on.

3793. The societies would not come to these men?—No, they would not; I know that the parties who have become owners differ as much from the other parties as if they were in another kingdom.

3794. How does that come about?—Because every man who has an interest in the country would study the interest of the Government; he would not wish there should be any war, whereas the other party would be just praying that it might die in an hour to cut them off.

O.51.

Chairman—continued.

3795. The small owner has the feeling that he has a stake in the country?—Yes; when he feels that he has the Government for his protection, then his sympathies lie towards the Government.

3796. Do you think there is any difference in that feeling between tenants farming different amounts of land?—No, because if they all held under one Government, they would be all under one bond; they would all agree in that.

3797. You think it important that the very small holders should become owners, if they had the chance?—Yes, certainly; it would satisfy the country, and leave them all to go on and improve their lands.

3798. Do you think that many of them have the money to become owners, and buy their lands if they had the opportunity?—Money is not too plentiful in Ireland.

3799. Have some of your neighbours and small tenants got the money to pay one-fourth of the purchase-money?—A good many of them have, but some of them would find a difficulty about it. The small tenants would not get money so easy at banks as a man who had a bigger piece of ground; he would get his neighbour who would have money deposited, to secure him at the bank, and then he could go on and buy.

3800. You think that many of the tenants could borrow from their friends?—Many of them could, and those that could would do so.

3801. At all events, the other men on your glebe were unable to get the money to buy?—Yes; they made a great effort, but they could not succeed.

3802. Supposing one of those small tenants borrowed the money, would the security which he could give be as good as a large farmer's?—Deducedly so; why not?

3803. Why is that?—I will show you why: if he failed, he could sell the land, and then the Government, or the party he had the land from, or was to pay the instalments to, would get a strong man in the place of a weak one; there would be men with plenty of money, watching to get the chance instead of him.

3804. You think that a small holding would sell rather higher relatively than a larger one?—It would indeed.

Mr. Fawcett.

3805. As I understand, it is principally when the land comes to be sold in the Landed Estates Court that the tenants are anxious to buy?—Yes.

3806. The tenants are pretty well content as long as they are under the old landlords; is not that so?—As long they have a good landlord they are content.

3807. Have not the people in Ireland been improving during the last 20 years?—Yes, there has been a good deal of improvement.

3808. They are making small houses where there used to be wretched cabins?—Yes, where there was a prospect of having a good landlord.

3809. I believe tenant-right varies very much over the county of Cavan; it is not all the same tenant-right about there?—I do not know that it is; in some parts of the county it fetches more than in others, because in some parts of the county where a man would be getting broke,

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Mr. Plunket—continued.

the landlord would give him compensation; he would not let him sell the tenant-right.

3810. These improvements which have been made through the country, within your recollection, have been made partly by the tenants and partly by the landlords, have they not?—Yes.

3811. Then, as I understand from your evidence, the only desire which these people have to purchase their holdings, or the only encouragement to them to improve their holdings, is to avoid the chance of a bad landlord coming in upon them; as long as they have a good landlord they will go on and improve?—Yes, exactly. I know one man under a good landlord who reared a large family upon one acre of ground by his industry.

3812. Have you made your will yet?—No, I do not intend to die yet.

3813. I suppose you will not tell your children which of them you intend to make your eldest son yet?—Certainly not.

3814. And you expect your eldest son, or whoever you settle on as your eldest son, will stay on the land with his children?—Yes, quite so.

3815. When this archdeacon came 40 years ago, he was a very good landlord, was he not?—Yes.

3816. And although he raised the rent to double in his time, it was only about 12 s. then?—The highest rent that was upon the land formerly was about 10 s. 6 d., and then that was raised to a guinea.

3817. But you tell me that you had 50 acres for 30 l.; was not that so?—Yes, I paid that to the landlord, but this was before my time; about 45 years ago.

3818. But in your time you paid only about 30 l. for 50 acres?—Yes.

3819. Is not that about 12 s. an acre?—Yes, it is something about that.

3820. Therefore, when the new vicar came he only raised the rent from 6 s. to 12 s.?—Yes.

3821. That was not so bad, was it?—He just doubled the rent all through the land.

3822. Were other people as improving as you were?—They were not so industrious as I was.

3823. Then you have done some money-making by road contracting, as you tell us?—I was making money in other ways. I did some contracting under the local boards.

3824. When a man becomes a purchaser, it will be well for him to have some road contracting, will it not?—He is necessarily more industrious then.

3825. Do you remember any trouble which the landlords had then in preventing their tenants from subdividing the land between sons and daughters?—Yes, I do remember that.

3826. Is not that practice going on yet to some extent?—I do not know that it is going on in my district at all.

3827. Have not the landlords a great deal of trouble still to prevent it; when a man has two fine sons, and would like to set them both up, and has two small houses on the property, does it not take place?—Generally speaking a man under a good landlord does not feel inclined to make subdivision at all, because of course there are often better industries off the land, and they are able to make a living for all the rest of the

Mr. Plunket—continued.

family. Where they have no way of giving the family any means, but live in scattered farms without any industry, then in the latter end of their time they do not care how it goes; and some of them will make three of it.

3828. Is not this true, that it is the very good landlords, the landlords who are the most liberal in the way of rent, who are the very men who are most against subdivision, and are the strictest in preventing subdivision?—Yes, they would generally prevent subdivision.

3829. Before you got the certainty of the chance of purchasing your holding, were you inclined to pull down all the landlords, and would you have been delighted if there had been a rising to sweep them all off the face of the earth; had you any such feeling at all with respect to your landlord?—No, because my landlord was a fair and good man; he said he never would make a change during his day, and neither did he, but he let in a man who was going to make a change, and sell the land and make the most of it.

3830. At all events, you would agree that so far as your opinion goes, it is a bad thing for a man to be subdividing his land at all?—I would not approve of it at all.

3831. And if any man were disposed to do it, you would be inclined to prevent it as far as you could?—I would, and there is not a man in the country who would not be of the same opinion.

3832. There are very few men holding 50 acres as strong as you are in that part of the country, are there?—There are not.

3833. You are the strongest man amongst them, are you not?—Yes.

The O'Connor Don.

3834. What happened to the land which the other tenants could not buy?—It was sold to a man of the name of Clark, in Dublin.

3835. Clark was not the tenant, was he?—He was not. He bought all the land upon another townland that was unpurchased by tenants in another place below Coon.

3836. I perceive in this return which has been furnished to the Committee the names of a number of purchasers in that townland; Halton, Cleminger, Faure, and Month; are those all tenants?—Halton bought at a different place; Cleminger and the other men purchased at Coon; that is five miles from the other place. There were two glebes under the archdeacon.

Mr. Bruen.

3837. You had money yourself to pay your quarter, had you not?—I had.

3838. Had you that money lying by you any time?—No, I had not, because as fast as I was making money I was using it for the improvement of the land.

3839. You made money by contracts, did you not?—I did.

3840. Did you make money other than by road contracts?—Yes.

3841. What number of men did you employ?—I had some 16 men employed, and when I was not in business as a contractor I kept most of those men improving the land.

3842. That had been going on for some time, had it not?—It had.

3843. You have been some time in this business as a contractor?—Yes, I have.

3844. How

Mr. Bowen—continued.

3844. How long have you been going on contracting in that way?—I should say for 16 or 17 years.

3845. And you have generally made a pretty good profit of it?—Yes.

3846. Supposing you had not had the money laid by for paying this 25 per cent. as it was of the purchase money, would you have had much difficulty in borrowing it?—I might have been like the rest of the tenants. I might not have got it.

3847. Did the rest of the tenants try to get it?—Yes.

3848. Did they ask the banks to lend it them?—Yes, I believe they did.

3849. Did any of them get the money at the banks?—I think not.

3850. What would a man have to pay in the shape of interest for the money he had to borrow in that way, to purchase his holding?—There is not one charge at the bank at all times; it rises and falls.

3851. But I suppose if a man failed in getting the money at the bank, he might go to some money lender in a neighbouring town?—Yes.

3852. What would the money lenders charge for a loan?—They charge at the rate of 2s. in the £ a year.

3853. That is to say, 10 per cent.?—Yes.

3854. That is the usual rate at which a man could get money for that purpose?—Yes.

3855. With good security?—Yes.

3856. Do the banks charge as high as that?—No, they do not.

3857. Could you tell me how much the banks charge?—The banks charge not much more than 5 per cent., but then there would be the costs along with that, because the banks would not lend the money without having some man who had money deposited in the bank to go bail for it; then the borrower would have to pay the expenses of the man that he brought with him to pay the car hire and so on; so that in the course of a year the rate of interest would be pretty nearly as high as that of the money lender.

3858. I suppose banks never lend money for any length of time?—No; three or four months would be the longest time, unless renewed, that they would lend for.

3859. So that if a man had not got the money, as you had to spend on that quarter of the purchase, he would find great difficulty in getting the money, and have to pay a high rate of interest for it?—He would.

3860. If you were advising a friend of yours, would you advise him to undergo that borrowing of money in order to become a purchaser; do you think he would do better as a tenant than as a purchaser, supposing he had to pay so high a rate of interest?—He would do better by being a purchaser, if he got credit for the money for two or three years, as he could improve, and carry on such improvements on the land, that he would get out of debt in a very short time.

3861. Would not the carrying on of improvements be a further expense?—No, it would pay him, because he would make one acre of land pay as much as two in a very short time. I knew two or three men who went into this business, and came out strong men.

Major Nolan.

3862. That was because they made the land pay double as much as it did before?—Yes, they did.

3863. But they had to lay out some money in improvements?—Yes.

3864. Do you think there are many tenants in Cavan who would be able to purchase their holdings if they had three-fourths of the money advanced to them?—There are not.

3865. Are there a dozen of them, do you think, in Cavan, who would be able to do it?—Yes, I think so.

3866. Do you think they would be ready to do it?—If they had any expectation that they would have this chance there would be three times as many prepared to do it, but they did not expect to have the chance; if they had had the promise or the notion that this would come to pass they would have been ready.

3867. If this plan were pursued in Cavan for the next 10 or 20 years, and the Government were to advance three-fourths of the money, do you think there are many tenants who would buy?—I am sure there are; they would all endeavour to buy.

3868. Do you think they would make more out of the land as purchasers than as tenants?—I am sure of it.

3869. You have to go on paying some money to the Church Commissioners yet, have you not?—Yes.

3870. Are you satisfied to go on doing so?—I never paid money with so good a heart in my life.

3870\*. Would your neighbours in Cavan be vexed if one man who could not pay got put out of his holding; would they think it hard if he had to sell his land?—No, not at all, because he would be so well paid for it; he would get four times as much for the land when he was going out as he would have got for going out from under a landlord.

3871. So that even a man who could not pay the Commissioners' instalments every year would be improved in position if he purchased his holding?—He would.

3872. Because he would get so much money for going out?—Yes.

3873. Had you to pay any law costs when you purchased your holding?—I had.

3874. How much did you pay?—I paid about 7 l. or 8 l., I think; that was attached to the paying of the 800 l., and there was a hanging rent of 14 l. 7 s.

3875. Do you think that it would be a great improvement through Ireland if every man could purchase his holding who had the money?—There never was a grander thing out; it would satisfy the people altogether; the dissatisfied way in which they have been going on would be shakled.

3876. You think the political condition of the country would be improved?—Yes, they would be all men in sympathy with the police and the Government.

Sir John Leslie.

3877. Your farm is 53 acres, English, as I understand, what would be the difference between that and the Irish acreage?—It would be about 35 Irish acres.

3878. You have built a house which cost you 400 l.?—I have.

Mr.  
A. Depont.  
28 March  
1875.

3879. And

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Sir John Leslie—continued.

Mr.  
A. Deane.  
—  
28 March  
1873.

3879. And spent 160*l.* upon the offices?—  
Yes, I have.

3880. And 50*l.* in draining?—Yes, and I have  
hung a good many iron gates; I have four iron  
gates purchased to hang, and I have bought  
timber and slates in Dublin to put up this  
season.

3881. Is the land in pretty good condition?—  
I have it in good condition now.

3882. Did the land require much draining to  
put it in condition?—Yes, the last land I drained  
amounted to 200 perches.

3883. Is the land flat or hilly?—It is both.

3884. You calculate that in five years the  
land will be worth twice as much?—Yes, and it  
is worth twice as much now as it was worth 20  
years ago.

3885. You think that the other tenant pur-  
chasers might rely upon pretty much the same  
state of things; that is to say, if they were to  
buy according to the same facility that you have  
bought, that is to say, if they were to buy the  
land equally good for the same money, that in  
five years it will be worth twice as much?—I am  
certain it would.

3886. And also that they would be able to lay  
out upon the land in the same scale as you have  
done, or build a house equivalent to yours?—I  
am sure they would improve as far as they  
could; a small person could not lay out so much  
money upon his farm, but as far as he could he  
would be as well inclined to improve as I had  
been.

3887. If the land increased in value, and in  
five years was worth double what it is now, he  
would then be in a better position to build offices  
of this class, even supposing he had not the  
money at first?—He would, because he would  
determine to do so; he would be anxious to  
borrow the money, if he had not got it to go on  
with the improvements, when he found that he  
had a good security in the land.

3888. You know Lord Gosford's tenants, do  
you not?—Yes.

3889. Were they, or were they not, in a good  
position before they bought their holdings?—  
They were in a general way in a good position,  
but at the time when Lord Gosford was going to  
put up the estate for sale, they sent down a  
valuator and raised the land upon them, and  
then when they raised the land they put it into  
the Estate Court. About as many more of the  
tenants would have bought but for the land  
being raised, and having to pay 25 years' pur-  
chase; that hampered them so that they could  
not buy.

3890. Before the property was sold, were the  
houses not in a good condition; slated houses?—  
They had the houses in pretty good condition,  
and the land was in pretty good condition  
too, because the land was not excessively rented,  
and it was a fairly good class of land before it  
was raised; the rise was not upon it long before  
it came up for sale.

3891. Do you think they are likely to increase  
the value of their holdings in the same propor-  
tion as you expect to do yours, namely, in five  
years, to double the value of it?—Yes, they are  
doing it, because every man upon every property  
around who bought, no matter whether he bought  
out of the Church lands, or out of the Estates  
Court, is carrying on about three times the in-

Sir John Leslie—continued.

dustry upon his farms that there is going on  
upon the adjoining farms to them.

3892. Do you know them well enough to  
know whether they borrowed the money to pur-  
chase, or not?—I know some of them had to do  
it.

Mr. Fenn.

3893. You say that you hold a farm of 20  
acres, and have eight children, but that you  
intend to leave that farm to one of your children;  
do you intend to charge the farm for the other  
children?—I will make a living for them all if I  
can let live to do it; that is to say, if I get the  
lifetime that a man should live, say, up to 60 or  
70.

3894. You propose to save money yourself, if  
you live long enough?—Yes.

3895. And then to leave the farm to one child  
without charges?—Yes, if I live to 60 or 70  
years of age.

3896. Do you think, if you only had the farm  
without the road contracting, you could accom-  
plish that?—Not so well.

3897. If a farmer of five acres bought his  
farm, do you think he could accomplish that?—I  
do.

3898. Although you could hardly do it with  
your farm of 20 acres, with road contracting?—  
I know one man who bought upon the lower end  
of the same glebe as I live upon, but not upon  
the same townland; he bought somewhere about  
nine acres from the Commissioners; he did not  
live upon that; he lived upon another farm  
convenient to it.

3899. What size was that other farm?—That  
was a large farm; he has now sold the farm  
which he bought from the Church Commissioners  
at 250*l.* in order that he may be able, having a  
couple of sons, to buy another farm for them, by  
taking out a big lump of money from this farm  
which he had bought from the Commissioners.

3900. But if he had only that nine-acre farm  
which he was living on, he could not have done  
that?—Of course he would not sell it, unless he  
sold it so that he could buy a farm up to 20  
acres, which he would be landed over; he  
would be able to buy a farm of 30 acres, by  
what he got for that farm of 10 acres, by buying  
it from the Government.

Mr. Phelan.

3901. Then, after having been a proprietor,  
he would be relapsing into a tenant after all?—I  
am supposing he had only nine acres, and he  
desired to sell it; he would get enough for that  
to buy a farm of 30 acres with a landlord over  
it.

3902. Now does he become at once a member  
of a secret society as soon as he becomes a tenant  
again?—I could not say that for certain.

Sir John Leslie.

3903. Did you make your improvements be-  
fore or after you purchased?—I made some of  
the improvements before I purchased, but not so  
much, for because I had improved a little, I had  
to pay for it, for the land was sold to me at a  
year's purchase more than any farm upon the  
townland.

3904. Did you make many improvements?—  
No. I sowed some that was wet, and I have  
kept on sewerage and ditching ever since.

3905. Did



Sir John Leslie—continued.

3903. Did you build the house altogether before you purchased, or part of it?—I built it a year after the Church Act passed, when I saw that I was quite sure of getting a chance to purchase the land.

Mr. Vernon.

3906. I want to take you back to the question that I was asking you before, about this small farm of nine acres; supposing this man had only a nine-acre farm, instead of having the two farms, and that he had eight children like yourself, and desired to provide for them all, but was not able to raise the money during his lifetime; I suppose you think that the farm would have to be sold afterwards to provide for that family?—No, I do not think it would, for in several instances they saved no money, even when they were living under good landlords.

3907. But I was supposing that he had a farm of his own?—I am comparing the two. When a man is under a good landlord he carries on a greater industry, and educates his children better, but when he lives under a bad landlord, who does not give him any encouragement, his children are not schooled or educated, and go wild through the world.

3908. I am talking of a man who has bought a small farm and desires to leave the farm to one of his children, and money to them all; I want to know whether you think the one who got the farm would be able to pay off the charges without selling the farm?—Yes, I am sure he would, because it would be put up to such an extent by improvements.

3909. Even a little farm?—Yes, I am sure about it.

3910. You do not think so about yourself with your farm of 50 acres?—I could of course be able to give them more money than he could; that would be the difference.

Mr. Wilson.

3911. You would leave the property to the eldest son, I suppose?—Yes.

3912. And charge it with some portions for the rest of your family?—Yes, in case I was giving it to the eldest son.

3913. That is what is usually done, is it not?—It is.

3914. How much would the tenant right of your farm have sold for before you bought the fee from the Commissioners?—Before I built upon the land the tenant right would have sold for 150 £.

3915. How many years' purchase would it have been?—It would have been five years' rent; it might be something more.

3916. And you paid 24 years' purchase for it?—I paid 23 years' purchase for it.

3917. How much do you think you would get for the place now?—I would not take 2,000 £ for the place.

3918. What is it worth?—I think it is worth close upon what I am saying.

3919. Is five years the average value of tenant right in the county of Cavan?—Seven years the small farmers claim.

3920. That is to say for disturbance?—Yes, for disturbance and putting out.

3921. But how much for the claim of the Ulster custom?—They would be getting about 0.5 £.

Mr. Wilson—continued.

two years' purchase when they come up to 30 £ a year rent; the small farmers under 10 acres, and so on, get the most.

3922. Then you have no tenant right custom there?—No, there is nothing more than I tell you.

3923. Not above five or seven years' rent?—No.

3924. Was there any turbary on your land?—There was.

3925. Were you paying anything for that?—Yes.

3926. Have the rest of the tenants any right over that?—No; every man's bog was rented in with his land and measured out. I have three acres of bog measured in my 53 acres.

3927. That is worth a good deal of money, is it not?—Yes, in some parts of the country turbary is worth a good deal according to the scarcity of it.

3928. I suppose that turbary being upon the land induced you to give a larger price for it?—Yes.

3929. It was included in your rent?—Yes, it was all included in the rent; it was the same in the landlord's time.

3930. You say that some of the men who bought are ready to sell?—One man did sell.

3931. And a good many are ready to sell?—No, I do not say that. This man would not have sold, only he got a farm by the death of his father-in-law in another place.

3932. You say that the adjoining owners would be buying up these little farms?—Yes, in case they were selling.

3933. You think that that is likely to be the effect?—Yes; there would be ten men to bid for one who would not.

3934. There has been no sub-division since the passing of the Land Act, has there?—No.

3935. And you would not approve of it, as I understand?—No; and there is not a man who wishes good to the country who would approve of it.

3935.\* Do you think that the new holders would all support the Government?—I am sure of it.

3936. How do you form the opinion that the men who have bought have left the societies?—I say that they would not have any sympathy with anything likely to produce disturbance.

3937. Do you know that they have left the societies?—Yes, I know they have.

3938. How do you know that?—Rightly I know it. I am listening to the talk of the people and their sympathy through the country.

Mr. Fay.

3939. Do you not know that the Catholic clergy throughout the county of Cavan have strongly forwarded these purchases, and have often advanced money themselves on the very ground that they considered they would sever the farmers from connection with these societies?—Yes.

3940. They are the people who are best informed on this subject, are they not?—Yes, they are; and I heard a clergyman, a very short time ago, just make the same statement that I have made, saying that it would be a great asset even

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Mr.  
A. Dawson.  
28 March  
1875.

Mr.  
A. Dugan.  
28 March  
1898.

Mr. Fay—continued.

to the clergy not to have to huddle and scold parties for wild doings.

3841. Do you know, as a matter of fact, that the clergy have themselves very often advanced money to forward these purchases?—They have done so I believe.

3842. You are aware that the glebe lands have the poorest tenantry in the country?—Yes, in that division.

3843. And is that the rule throughout the country?—No doubt it is.

3844. You would consider that the fact that the tenants on the glebe lands depended upon the uncertain succession of the landlord, and not upon his death, made them more careless and poorer?—Certainly.

3845. You have valued the tenant right at a very low rate on the Cavan glebe, namely, as five years' purchase?—It was not good land in that neighbourhood.

3846. Would you be surprised to hear that I have known tenants on Dr. Derby's late estate to sell for 30 years' purchase?—I am not aware of that; but I was in conversation at one time at the assizes with Mr. Vernott, who was an agent over me some time; I asked him, did he come to buy that townland, and he said he would not. I asked him for his reason. The reason, he says, is that no good landlord will buy any of the glebes. Then I said, "How is that?" and he replied, "There are two very sufficient causes for it; the land would be mortgaged, and farms bought through it, and that is a great objection to a landlord who is going to buy land. The second objection is that the good tenants will be going off the land;" but I said, "I intend to buy." He said, "Tell all your friends and neighbours to do the same, that can knock up the money at all." I told them all to that effect, and they all made great efforts, backwards and forwards, but they could not get the money knocked up.

3847. Is not one of the great difficulties which the people have in getting the money from the local banks, first, that they must have security to deposit equivalent to the loan asked for?—Yes.

3848. And, secondly, that they might get one or two to join in the bill?—Yes.

3849. The result is that you hamper two or three persons for one loan?—Yes; when a man

Mr. Fay—continued.

draws money out of the banks, and the bill is renewed three or four times a year, the paying for the car hire to bring the surety, and other costs of that kind, soon make it just as cheap to pay 2s. 6d. in the £1 to the man who would lend you the money.

3850. You have been asked whether you would or would not charge the lands in your bill with portions; is it not the fact that tenancies from year to year are frequently charged with sums for the younger sons and daughters at the present day; that is to say, that a farmer before his death frequently makes his will charging the tenant right with such portions?—It is.

3851. Amongst persons holding from year to year?—Yes.

3852. Do you know any instances of persons having made such charges being obliged to sell out, the eldest son to recover?—I do not.

3853. Is it not very unusual to have such sales?—They occur in odd cases, but only in odd cases.

3854. The farm that was sold in your townland was sold for 380 £. by the Church Commissioners, including costs, and the man mortgaged it for 350 £.; what did Drum originally pay to the Church Commissioners?—He paid 50 £. 3s. in cash, I think.

3855. What was the purchase money originally fixed at?—The purchase money was at the rate of 23 years; he paid three years' instalments upon it, and there are seven years' instalments to be paid yet, which my brother has to pay.

3856. The original purchase money was 174 £., I find; what amount did he pay upon the instalments?—He paid six half-yearly instalments of 8 £. each.

3857. With costs?—He paid 7 £. down for costs.

3858. He paid 105 £. in all; what did your brother pay it for?—£. 250.

3859. Then, in point of fact, Drum having paid only in cash 105 £. got 250 £. from your brother, who took it subject to the balance due to the Church Commissioners?—Yes, subject to a debt of 112 £.

3860. Then the value of the tenant right was double the sum that Drum gave for it?—Yes.

Thursday, 4th April 1878.

## MEMBERS PRESENT:

Mr. Bruen.  
Mr. Chaine.  
Viscount Crichton.  
Mr. Errington.  
Mr. Haygate.  
Mr. Shaw Lefevre.  
Sir John Leslie.  
Mr. Melden.

Major Nolan.  
The O'Connor Don.  
Mr. Plunket.  
Mr. Plunkett.  
Colonel Taylor.  
Mr. Vernon.  
Mr. Wilson.

GEORGE JOHN SHAW LEFEVRE, Esq., in the Chair.

Mr. JOHN EDWARD VERNON, is called in; and further Examined.

Chairman.

3961. I wish to recall you with regard to one point, namely, the value of the Church property. It has been represented to this Committee that the property sold by the Church Commissioners was, on the average rental, at a lower rate than other property; have you any experience yourself upon that question?—I think that would be contrary to my experience altogether.

3962. Have you had any experience in the management of some of these Church properties?—Yes; I have had the management of four different Church properties. When I say "Church properties," I mean properties belonging to the incumbents of parishes.

3963. That is to say glebes?—Yes.

3964. In what part of the country have you had the management of these properties?—In the County Cavan.

3965. What is your experience of the condition of that property?—My experience has been that the glebe lands, as a whole, are worse tenanted, and fully as highly rented, if not more highly rented, than most of the adjacent properties; I am now speaking not of the land in the occupation of the incumbent himself, but of that in the occupation of tenants.

3966. You are not speaking of the mesual lands, but of the glebe lands, which are let to tenants?—Yes, in the occupation of tenants.

3967. Are the average holdings rather smaller than on other estates?—Yes, in my experience they are smaller, for this reason, that they have been less carefully looked after.

3968. And upon the average, let as high, if not higher, than in the neighbourhood?—I should say they were let higher than on large estates adjacent to them.

3969. And that generally the property was in a bad condition?—Generally, I should say it is an inferior class of property.

3970. How do you account for that?—I think the nature of the extremely limited tenure of the owner may account for it, for he has no inducement to lay out anything upon the property, because any day he may be promoted or otherwise removed; he has no real interest in those lands, 0.5L.

Chairman—continued.

and there is no succession in his family; I think it would follow from that that it would be so.

3971. There is all the disadvantage of limited ownership without the inducement to improve for the reversioner?—Yes, it is an extremely limited ownership, and also a limited ownership in the hands of men of very small means.

3972. Have you bought any of the Church property yourself?—Yes, a very small portion.

3973. That was mesual land; that is to say, land in hand?—Yes, land in hand.

3974. How was the land valued in your case?—I think they made me pay very high indeed; they made me pay 34 or 35 years' purchase upon the tement valuation; but I was in their hands entirely.

Mr. Plunket.

3975. What do you mean by that?—That I was the occupying tenant and it was inside my place.

Mr. Haygate.

3976. It would have spoilt the place to have sold it to anybody else?—Yes, I think they made me pay its full value.

Chairman.

3977. Have you formed any opinion with reference to the price obtained by the Commissioners for the glebe lands with which you were connected?—I have not looked into the matter sufficiently to give you an answer to that question.

3978. You could merely state generally the condition of the property and the way in which it was let?—Yes, I should say that in one case only the glebes I had charge of were in very good condition; they had been well taken care of, but that only in one parish, a parish at one time held by the present Prince of Ireland; a great deal had been done for the tenants upon that glebe, but that was the only case I could call to mind in which I should describe the tenants as being in an average prosperous condition.

3979. It has been represented to the Committee that the average rate paid for the tenant

Mr. Vernon.

4 April  
1878.

Mr. Vernon.

4 April  
1874.

Chairman—continued.

right by tenants is nearly 18 years' purchase; do you think that is consistent with the land being highly rented?—It is economically unintelligible, I admit.

Mr. Plunket.

3990. How do you explain that?—I do not think any man can explain the theory of tenant right.

Chairman.

3991. The Committee have been told that the same average tenant right was paid in respect of Lord Headfort's property in Cavan, namely, about 18 years' purchase of the rental?—Yes, but that was under favourable circumstances.

3992. The Committee were told that the price averaged 20 years' purchase of the existing rent, and about 18 years' purchase of the improved rent, there being also a revaluation on the sale?—I do not think that there could be any fixed rule laid down. I have never been able to measure tenant-right; it appears to me to be purely arbitrary.

3993. Is tenant right recognised upon Lord Bath's property?—It is, but not absolutely; that is to say, a limited tenant right is recognised.

3994. That is to say, sale is permitted, subject to the approval of the landlord?—Yes, sale subject to the precedent approval of the landlord.

3995. And limited in amount?—Yes.

3996. What is the average tenant right recognised there?—I could not say that it is precisely fixed in terms, but it runs to about 10 £ an acre.

3997. I suppose, if tenant right were not limited in that careful manner it would rise to a very much higher amount?—It would, but it is very uncertain, and does not depend upon the improved condition of the farm.

3998. I suppose it depends, to a great extent, upon the degree to which the landlord allows it to exist?—Scarcely that; I think it depends upon the demand which exists in the country for land, by people who have come in to the country, and if the adjacent tenant is wealthy he would be very glad to have the land at any price.

3999. Many people coming back from America, and settling again in Ireland, are anxious to obtain land on those terms, are they not?—I have known many cases of that kind.

4000. And are ready to give great fines for the mere occupation?—Yes.

4001. Therefore, we may presume that if the opportunity were offered to them they would give a very much larger sum for the fee?—I think they would give a very full price for the fee.

4002. That is to say, a rate equivalent to the ordinary tenant right and the fee combined?—I do not think that would be so; I do not think they value the fee in the same proportion as they do the tenant right.

4003. What you mean is this, that the same man though he would give a very large sum for the tenant right, would not give that sum in addition to the usual value of the fee for the fee itself?—I mean to say that he would give with greater facility 10 or 15 years' purchase for tenant right than he would give 25 or 28 years' purchase for the fee; and, of course, economically you cannot understand the proposition.

4004. It was represented by Mr. O'Flaherty at the last meeting of the Committee that in

Chairman—continued.

Donegal the tenant right sometimes reaches to an amount varying from 40 to 80 years' purchase of the rental, and that in some cases upon land fairly rented; would that be your experience?—I have not found any cases of that kind.

Mr. Plunket.

3995. At any rate, you would not be prepared to contradict the statement?—Certainly not; if he says so it is so, but I have never met a case of that kind.

Chairman.

3996. May I then draw this inference, that if these enormous sums are given for mere occupation, a very large sum will often be given, if opportunity is afforded, for the fee?—I think the fee of a small holding in the hands of a tenant will sell well to another tenant, or in the hands of any seller if he can give absolute possession of it, it will sell very high.

3997. I suppose it is very rare now that the fee of a very small holding is sold at all?—Rare under the Act of 1869, I hardly know of any such sales.

Mr. Plunket.

3998. When you say the Act of 1869 you mean the Acts of 1869 and 1870, do you not?—I mean where the property is sold absolutely by the Church Commissioners under their Act.

3999. Would you include the Act of 1870 also?—Yes, the Acts of 1869 and 1870.

Chairman.

4000. Apart from those two Acts the sale of a farm free of occupation is a very rare thing, is it not?—It is rare.

Mr. Plunket.

4001. Besides the purchase which you made yourself of some property from the Church Commissioners in the parish to which you particularly referred as having been in the possession of the Primate, what parishes had you in view in describing the condition of those lands?—All the parishes with which I am best acquainted; that is to say, most of the parishes in the county of Cavan, four of which have been under my own management, and some of which I have had an opportunity of watching for many years as managing the adjacent properties.

4002. Of course those four parishes in Cavan which you speak of, afforded you a very good opportunity of forming an opinion as to their condition, but how many others could you speak for with confidence?—I can speak of several others, but chiefly in the same county of Cavan in which I have been for many years, and which I know very well.

4003. So far as that part of your evidence goes, it would be fair to take it principally in regard to the county of Cavan?—Yes, principally as applying to that district within the limits of my own knowledge.

Major Nolan.

4004. We had a witness on a former occasion from Cavan; would you confirm his statement, that if there were a large number of sales of small properties in Cavan, there would soon be a large number of buyers?—I must ask you whether you mean with State aid, or without State aid?

4005. With

Major Nolan—continued.

4005. With State aid?—With State aid I have no doubt there would.

4006. Confining your attention to farms in the county of Cavan, do you think that a large number of such properties would be bought up, if there were sufficient State aid?—I think there would; the operation might be slow, but I think the operation would take place.

4007. If the State advanced three-fourths, do you think that in 10 or 20 years there would be a large quantity bought up?—No doubt there would, but that would again be governed by the question of what quantity was brought into the market.

4008. Supposing a third or fourth were brought into the market, do you think they would be purchased?—I think there would be a market for that quantity of land, assuming the proportion of State aid granted by the Act of 1869.

4009. Supposing that proportion were increased to three-fourths, not of the ordinance valuation, but of the actual rent of the land, that would of course increase the amount of the advance?—Yes.

4010. Do you see your way to full security to the State in advancing three-fourths at the present rent?—I do, assuming that the three-fourths were based upon the proper value.

4011. Assuming that the State sent down skilled valuers, and took proper precautions, do you think that the State would be quite safe in lending three-fourths of the purchase money?—Yes, certainly.

Sir John Leslie.

4012. In the course of your evidence given before this Committee upon a previous occasion, you gave it as your opinion that there should be a reasonable limitation to the size of the holdings allowed to be purchased by the State; would you mind saying what you think the limitation ought to be?—I am afraid it would be a very difficult and a very invidious limitation to make. I have since considered the question you then asked me, and I think that if the State adopted such a suggestion as I have put forward they would be obliged to adopt it without a limitation.

Mr. Errington.

4013. Do you consider three-fourths of the purchase money to be the maximum it would be safe for the State to advance to purchasing tenants?—I should not wish to put the State in the position of having a claim over-riding the full value of the holding.

4014. Why so?—I think the State ought to be perfectly secure in the arrangements it makes, and I think three-fourths would do that. I think if you extended that you might get beyond what the State ought to hold upon an individual farm.

4015. But would not the absolute fair value of the land be a sufficient guarantee to the State?—I do not think so. It would put the State in the position of holding the tenant at a rack rent, and I do not think that is a position I should like to see the State in.

4016. Gradually as the instalments are paid, would not the margin of security be yearly increasing?—After they had got over the first few years generally the difficulty would be over, but I think in the first few years there would be a difficulty on the part of the State in being the owner of the whole interest in the land.

O.S.

Mr. Wilson.

4017. Do you think that the Church Commissioners sold their lands for fair prices?—As far as I had opportunities of judging, I think they did.

4018. You think the Church Commissioners did not sell their property at low prices?—I have known no instances in which they have sold them below the fair average selling value in the market.

4019. Do you think individuals would have sold their property as low as the Church body did?—I do not think they could have got any more for it as individuals.

4020. Would you permit sub-division of land at any price?—Certainly not.

4021. Even if the charge had been paid off?—When once the charge is paid off, the man is owner-in-fee, and you have no more to say to him.

4022. Even after the 35 years, would you not put limits on sub-division?—No, because the property is the man's own.

4023. But he has bought the farm with money borrowed from the State?—Yes; but once the money is paid off the State is in the position of a mortgagee, who has been paid off; the State can have no further right over the property; but before the State is paid off, I would prevent sub-division in the most stringent manner.

Mr. Phibbs.

4024. What were the properties for which you thought the Church Commissioners obtained the full value in selling them?—I recollect the parish of Belturbet, in which the Church Commissioners got very good prices for the land which they sold.

4025. To whom was the land sold?—To the tenants in possession.

4026. Whose property was it; was it in the neighbourhood of the property which you know?—It was in the neighbourhood of Lord Lanesborough's property.

4027. How large was that property?—They were scattered townlands belonging to the parish of Belturbet; and the same would apply with regard to the parish of Drummilly which lies upon the other side, and in Clogher. I thought the Church Commissioners got very good prices there from the tenants.

4028. What kind of tenancy were those, small or large?—They were what I should call the average of Cavan tenants; that is to say, men paying from 10 £ to 18 £ a year rent.

Chairman.

4029. Have you considered the difference in the financial effect of the loan made by the Church Commissioners and by the Treasury?—Yes.

4030. Are you aware that in one case the money is lent repayable at a rate of interest computed at 4 per cent., and in the other case at 3½ per cent.?—I am quite aware of that.

4031. Are you aware that in the case of the Church Commissioners, the interest and repayment of the loan by instalments amounts on nearly as possible to the amount of rent previously paid?—Yes, it would at 4 per cent.; that of course would vary with the rate of purchase, but at 4 per cent. it would have that effect.

4032. Therefore in the case of a property sold by

Mr. Vernon.

4 April  
1876.

Mr. Foran.

4 April  
1878.*Chairman—continued.*

by the Church Commissioners, where three-fourths of the purchase money is left by way of mortgage, and 4 per cent. is charged by way of interest, and repayment by instalments, the amount payable by the purchaser for 34 years, is about equivalent to the rent which he had previously paid?—Yes.

4033. Do you consider that there is any danger to the Church Commission in that operation?—I do not think so, but I must always go back upon the assumption that the fair value is the basis of calculation.

4034. Assuming a fair value to be received by the Church Commissioners, you do not consider that there would be any danger to the Church Commissioners in the operation?—Certainly not.

4035. For 34 years the Church Commissioners will receive with the amount of interest, and the repayment of instalments, about the same amount as was previously paid by the tenant in the shape of rent?—Yes; I do not think there is any risk, for this reason; you have these two elements, the tenant's interest in the land, *per se*, and you have also the sum of money which the tenant has given, as I might call it, as a fine.

4036. The loan made by the State in case of property sold by the Landed Estates Court to tenants is effected upon somewhat more favourable terms, is it not?—No doubt.

4037. That is to say, the interest and repayment of instalments are calculated at 3½ per cent.?—Yes, I am aware of that.

4038. Supposing the State loan were advanced to that point that the interest and repayment of instalments reached the same amount as the previous rent, do you think that there would be any danger to the State?—I think the State would be placed in that case in a false position. I think the State would then be owner, as it were, of the rack-rent.

4039. Why should there be greater danger in that case than in the case of the Church Commission?—Because in the case of the Church Commission the tenant has paid a proportion of the sum down.

4040. But we are assuming that the amount payable is exactly the same in both cases?—It is; but the tenant has, in the case of the Church Commissioners, a feeling that he has paid a fine, and I think that will stimulate him to great exertion not to lose the money he has put into the purchase, assuming a forfeiture to ensue upon his non-payment.

4041. Then it rather turns upon this point, that the fact of the tenant having been compelled to make a certain advance gives a stimulus to him?—Decidedly, in my opinion.

4042. Do you think the effect of that is valuable?—I think he ought to be encouraged to make a great effort to do it.

4043. In both cases there is the same security, namely, the tenant's interest?—That element of value will always remain.

4044. What, upon the average, may we value that tenant interest at?—It varies so much that I could not fix it as a matter of evidence; it varies in different districts, and it varies in different holdings, but it is considerable; I have heard the tenant's interest fixed at seven years, and I have heard it fixed at eight years' purchase; I should think, at any time, it would fetch from five to seven or eight years. Still I regard it as

*Chairman—continued.*

an arbitrary figure which I should not like to pin myself to.

4045. But in any case it would be a very considerable amount?—In any case it would be a considerable element of value.

*Mr. Plunket.*

4046. When you say that you think it would be well to keep up strictly the provisions against sub-division so long as the State had a mortgage on the property, do you think there would be considerable danger otherwise of their proceeding to subdivide; is there a strong tendency to sub-division amongst the small tenants?—I think it is decreasing rapidly; I think 25 or 30 years ago they would have divided everything; I do not think they will now. I think they have very much altered their views; they are more educated, and they are a great deal more ambitious, and a great deal less willing to settle down on three or four acres of ground than they were.

4047. That, I suppose, is your experience in Cavan?—In Cavan and in Monaghan, and in various counties in which I have the management of property.

4048. Would it principally apply to that part of Ireland, namely, the north and east?—I have the management of some property in Westmeath and in the south also; the rule, I should say, is the same everywhere.

4049. Do you find that there is not a tendency to sub-division, or a desire for sub-division, amongst the smaller tenantry in the south?—I think that there is a tendency to it, but it is a tendency which is decreasing.

4050. Of course, the desire to subdivide would decrease as the tenantry improved in education and prosperity, but I ask, is there not in the south, where there are perhaps not quite so well off as in Cavan and Monaghan, a tendency to subdivide?—There is still, but I do not think that tendency would be much greater than the tendency to consolidation by adding two tenancies to one another. I think the two would be about equal, and that there would not be much difference in the result.

*Mr. Heggate.*

4051. The population was vastly larger when there was this great desire to subdivide, was it not?—It was vastly larger.

4052. Was not that the main reason for the sub-division which took place?—I think that there have been other causes at work of late years; I think the countries of America and Australia were not such well-known lands to the Irish tenants then, as they are now.

4053. Supposing the population to increase again, do not you think that there would be the same tendency to subdivide?—I do not know about that.

4054. Perhaps you do not think that the population ever will increase again?—I do not think even if it did increase, that it would be so; I think that their ideas are very much altered in that respect; I think they are much more ambitious, and desirous of comfort, than they were under the old potato regime.

4055. Do you know any properties where the tenants have been allowed to do as they liked for the last 20 years?—I cannot call to mind any estate under those circumstances.

4056. You have not had any experience in that

Mr. Hygeat—continued.

that respect?—I was only saying that I should have very much less difficulty in procuring subdivision now, than I should have had 30 years ago.

Professor THOMAS BALDWIN, is called in; and Examined.

Chairman.

4058. ARE you the chief Inspector of the Agricultural Schools in Ireland?—I am.

4059. How long have you held that office?—For 14 years.

4060. That office requires you to visit all parts of Ireland, does it not?—It does.

4061. Have you, in that capacity, superintended the agricultural farms at Glanavin?—I have.

4062. And you have, I presume, a considerable knowledge of the condition of the agricultural tenants in Ireland?—I ought to have.

4063. Are you aware that the number of small owners in Ireland is very small as compared either with England or with other countries?—Yes; the number is very small, as shown by the statistics.

4064. What is the average size of the holdings in Ireland?—The average size is about 30 acres.

4065. I think you have also studied the condition of the agricultural tenants in Belgium, have you not?—I have.

4066. Were you sent over for the purpose of inquiring into that?—Yes; I was sent over to inquire into their condition in 1847.

4067. By whom were you sent over?—I was sent over by the Board of National Education, under whom I act.

4068. How long a time did you spend in Belgium?—About two months.

4069. Did you visit the agricultural districts?—I went, I may say, on foot from house to house, especially in East and West Flanders.

4070. Will you state the conclusions you drew with reference to the condition of agricultural holdings in Belgium?—With respect to the condition of the occupiers, as a rule, I found them much more prosperous than they are in Ireland; the land is infinitely better tilled, and infinitely better cropped.

4071. Can you state what the proportion of small owners is to tenants?—In round numbers the proportion is about one-third and two-thirds.

4072. About one-third of the occupiers are owners, and two-thirds are tenants?—Yes; that is shown by the statistics which are published every 10 years.

4073. Are the occupiers generally occupiers of very small farms?—The entire number of occupiers is about 500,000 in round numbers, and of these, more than half, about 300,000, occupy under five acres.

Mr. Fisket.

4074. Does that proportion apply to those who hold as owners, or does it apply to those who hold as tenants?—I could not answer that question, because it so happens that, having come to London to give evidence before another Committee, I find myself invited to give evidence before this Committee without any notes or documents; but I should say that in round figures the number of proprietors and tenants of under five  
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Mr. Hygeat—continued.

4057. They do not press you, speaking for the landlord, to allow subdivision in the same way as they used to do?—No; I do not think they have the same wish.

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Mr. Fisket—continued.

scores would stand in the proportions stated. I am afraid the statistics are not very conclusive on the point.

Professor  
Baldwin.

Chairman.

4075. Did you observe a marked difference between the condition of the small owners as compared with the condition of small tenants?—I did, and a very marked difference.

4076. What is the general condition of the tenants?—The small tenants in Belgium are in a very indifferent condition, to say the least of it; they are very rack-rented; I should say the rents are twice what they would be for the same class of land in Ireland.

4077. And comparing their condition with that of the small owners, what should you say?—The small owners, as a rule, are very prosperous and very contented, as they have an income from two sources; namely, they have the income as proprietors and the profit of the farms as well.

4078. Then comparing the condition of the land, is it much the same, or do you observe that the small owners cultivate their land better than the occupiers?—They all cultivate the land exceedingly well; I was not able to see much difference between the cultivation of the land in the case of the occupier, and that under proprietors; the principal difference was in the condition of the people themselves; I went, as I say, in West and East Flanders from house to house, and I found more happiness and comfort and prosperity in the houses of the small proprietors.

4079. I suppose that as the small tenants are very heavily rented they are compelled to be very industrious in order to pay these high rents?—They could not live without excessive industry; they are the hardest working people that I have seen anywhere.

4080. Then the better condition of the small owners would appear to consist mainly in this, that they have property, whereas the others are simply tenants-at-will?—Yes, the occupiers are rack-rented, and the system of tenure is not satisfactory; I should say the Irish tenants would consider it very bad; I did not see a single occupier who had a lease for a longer term than nine years; the rule is three, six, and nine years, but there are more having three years' tenure than six, and more having six years' tenure than nine.

The O'Connor Don.

4081. At the end of the term is the rent altered?—Yes.

4082. Is the farm put up to the highest bidder?—Yes; but the tenants are seldom displaced.

Chairman.

4083. Then, as far as the system in Belgium consists of small tenants, it is not a desirable one?—It is not. As far as my experience goes in Ireland and Belgium, I should say that whatever  
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Chairman—continued.

may be the merits of small proprietorships, small tenancies are not by any means desirable.

4084. Do many of those small tenants hold under small owners?—Yes; I have often found a small tenant not holding more than seven or eight acres of land, holding under six or seven landlords.

4085. It is a very common thing in Belgium, is it not, for small owners not to occupy the land themselves, but to let it?—Yes; many of the townspeople occupy bits of property here and there.

4086. Still, taking the parts of the country you have seen, one-third of the country is occupied by owners?—Yes.

4087. Have the figures of later years remained about the same?—Yes; they take the census every 10 years; and I have examined the returns for the years 1846, 1856, and 1866, and it appears to be pretty well a drawn battle.

4088. That is to say, the small owners about hold their own, as compared with the small occupiers?—Yes, they appear to do so.

4089. Have you formed an opinion as to the expediency of introducing or extending the system of small ownerships in Ireland?—That is a question for the State to consider, but I may say that I have a very strong opinion upon it.

4090. Will you be good enough to state that opinion?—That it would be in the interest of the State to create a considerable number of small owners.

4091. What, in your opinion, would be the result of that to the tenants?—Considering the state of Ireland, I should say the most important result would be this: I should regard each small proprietor as likely, in the first place, to be a centre of loyalty, and the more of these centres of loyalty you create, I should say the better for the State.

4092. From your experience of occupiers in Ireland, should you say that there is a great desire to purchase on their part?—There is a very great desire; but I think on the whole the feeling is rather stronger in favour of settling the land question in another way in Ireland. Still there is a very strong feeling in that direction.

4093. But in default of settling the land question in that other way, you think there is a strong desire to purchase by legitimate means through the Landed Estates Court?—Yes, or by any other means.

4094. You think it is desirable, then, that the State should give greater facilities to tenants to buy?—I do.

4095. Do you consider that there is any danger in encouraging the creation of small owners, arising from the possibility of subdivision?—I think if you give perfect freedom of action, and do not by Act of Parliament, or by artificial means, influence the size of the farms, I should not be at all afraid of subdivision. I find in the first place that there is a tendency in many parts of Ireland arising naturally to consolidation.

4096. You think there would be two forces at work at the same time; one in favour of subdivision, and the other in favour of consolidation?—Yes.

4097. You think that the two might be left to balance one another?—Yes. I think on the whole the balance would be in favour of con-

Chairman—continued.

solidation. In some parts of the country there has been excessive subdivision.

4098. You think that if there were free transfer and the power of purchase, there would be a tendency to consolidate in those cases?—I am quite certain of this, that the desire to subdivide is rapidly dying out in Ireland.

4099. Would it be necessary, in your opinion, to pass any law to prevent subdivision?—I do not think it would.

4100. Do you think it might be left to the balance of natural forces?—I do; I think any artificial restriction upon it would simply do mischief.

4101. Are you in favour of a very much greater consolidation in farms than now exists in Ireland, or do you think that the system of small farms on the whole is beneficial?—There are many parts of Ireland in which I should like to see on every ground a certain amount of consolidation.

4102. But taking the north of Ireland, where the farms are now very small, do you think it would be desirable there that there should be any extensive consolidation or not?—There are many parts of Ireland where nature puts impediments in the way of any large consolidation; this applies to parts of many counties of Ireland in which you cannot have very large farms.

4103. I think at Glensmavin you have a small model farm of five acres, have you not?—The land is partitioned out for educational purposes; we have three farms, one which is set apart for cultivation by spade labour of six acres, another a farm of 25 acres, which is managed as an example for the bulk of working farms, and then we have what we call the large farm, on which we practice high farming.

4104. What is the result of your experience on those farms with reference to produce?—The experience is that the acreable produce decreases as the size of the farms increases.

4105. Though the gross produce may be greater?—Yes, quite so.

4106. Upon the model farm of five acres, which is cultivated by spade labour, is the produce considerably greater in proportion to the acreage than on the larger farm?—Very considerably greater, and the explanation of that would be, first of all, that upon farms of that kind there is no waste; you can work up to the very fences, and in the next place, where you have good spade cultivation, there is no doubt that the land does produce more.

4107. Do you draw the conclusion from your experience, that there are many parts of Ireland in which even very small farms may be worked with advantage by spade labour?—What I wish to convey upon that point is this, that you cannot have any other system of farming in certain parts of Ireland. Take an estate in the west of Ireland, which an honourable Member of this Committee knows better than I do. I refer to Lord Dillon's estate; there are many parts of that which are so rough and stony, that you could not put a plough into it.

4108. And where spade labour is the only labour which is available?—Yes, where you can only cultivate the land by spade labour.

4109. Then accepting as the basis that there are



## Chairman—continued.

are parts of Ireland where farms, even so small as you mentioned, are a necessity, do you consider that ownership is an essential condition of their being properly worked?—I do; I have only to repeat to the Committee that I consider that small occupiers are much more objectionable than small proprietors.

4110. That is to say, for social and economic reasons?—Yes, on both social and economic grounds.

4111. And for political reasons too?—Yes, I would begin with the political reasons in Ireland. I think it is more important on political grounds than upon either social or economic grounds.

4112. It has been recommended to the Committee that a minimum of 20 acres should be the point below which the State should not encourage the creation of small ownerships; what is your view upon that point?—I think any such limitation would be eminently injurious, because 20 acres of poor mountain land may not be worth as much as two acres in a good low-lying district; therefore any limit which might be fixed by mere acreage would be, in my opinion, injurious.

4113. Supposing, instead of saying the number of acres, you were to say 20 *l.* a year rental, which would represent in some parts of the country a larger amount of acreage, and sometimes a less amount, would it be wise, in your opinion, to limit the benefits of the Act to holdings above that amount?—What I should say upon that point is, that if we are to have an artificial line, let it be the rental or the valuation, not the acreage, but I should be opposed to any artificial line being drawn at all.

4114. Will you state why you would be opposed to that?—In the first place I should like to see the thrifty buying out the thriftless, and I should trust to the operation of the ordinary economic laws if properly set in motion, to work out what is best for the interest of the country.

4115. Supposing that there were a considerable number of small owners, even so low as five acres or less, in your opinion the unthrifty would be bought out after a time by the thrifty?—Yes.

4116. The natural operation of consolidation would be set on foot where it was really and economically sound?—Quite so; that is what I consider is taking place at the present moment in the parts of Ireland which are politically and socially the soundest.

4117. How far, in your observation, are the small farmers in Ireland in a condition to pay a portion of the purchase money?—I am very sorry to say my experience is, taking Ireland as a whole, that only a very small proportion indeed of the small farmers, whom it is desirable to create proprietors, are able to pay any money at all for such a purpose without interfering with their farming capital.

4118. How do you reconcile that with the experience of the Church Commissioners, that a considerable number have either succeeded in producing or obtaining the money for the purchase of their farms?—I would say, having read the evidence of those who have represented the Church Commissioners, it appears to me that they have created some peasant proprietors in a way that is calculated to do mischief, that is to say, men selling their stock to buy their land. I consider that nothing could be more calculated to do mischief than a system of that kind; you embarrass them at once.

O.S.I.

## Chairman—continued.

4119. You think that a portion of the tenants who bought from the Church Commissioners have succeeded in finding a portion of the purchase money by selling their stock?—That is stated in the evidence.

4120. Then, in your opinion, there is not a large portion of the tenants who would be willing to buy, who would be able to find the money?—I am sorry to say that, in my experience, the proportion is very small.

4121. What is your experience as to the value of the tenants' interest in small farms?—I can only give a mere estimate, but from my observation of different parts of Ireland I have come to the conclusion that what may be called the possessory interest of the tenants would come to about six years' purchase, say from 80,000,000 *l.* to 100,000,000 *l.* sterling.

4122. In many instances rising much higher?—Yes, I have seen tenant right sold by auction in Donegal publicly at 40 years' purchase.

4123. Generally throughout the north of Ireland the tenant's interest is high, is it not?—It is high in many parts of the north of Ireland.

4124. It has been stated by a previous witness that in many cases the tenant's interest rises from 18 to 20 years' purchase over considerable districts?—I should say in Leed Downshire's estates it was probably more than that.

4125. A case was stated to this Committee of two estates belonging to the same owner, namely, Lord Headfort, and rented at about the same amount; in respect to one estate the tenant-right amounted to some 18 or 20 years' purchase of the rental, whereas in the other no tenant-right at all was permitted, or existed; one estate being in Ulster, in Cavan, and the other in Meath, and yet the rental was in either case the same?—I read the statement, and I was quite prepared for it, from my knowledge of the two districts.

4126. How do you account for that state of things?—It is an unsatisfactory thing to attempt to give explanations, which may refer to the management of landlords' estates; but in this case the explanation appears to me to suggest itself, namely, that where you have freedom given for the sale that condition arises.

4127. Does it tend to show this, that where a tenant is allowed the free right of sale, or a right of sale, subject to the approval of the landlord, there is certain to grow up a considerable possessory interest in the farm, quite irrespective of the interest of the landlord?—Yes, in many of the estates in Ulster, where the landlords are extremely liberal, and where, as I say, there is perfect freedom of sale (at least as much freedom as the people could get, without putting the landlords in the position of mere annuitants), there the possessory interest is very large.

4128. I presume that might exist all over Ireland, if it were permitted by the landlords?—As a matter of fact, what is called the tenant-right, or the possessory interest, is large in many parts of Ireland, where it is not supposed to exist at all; in the south, for instance.

4129. But if it were permitted to the same extent as it is permitted in many parts of Ulster, it would exist all over Ireland?—Yes, it would rise as high in the south as in the north, provided there was the same available capital.

4130. Does that tend to show that the possessory interest of the tenant is of very considerable value everywhere?—Certainly.

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*Chairman*—continued.

The very fact that the man pays for it, or gives money for it, is evidence, so far as it goes; but I would not say that he gets value for what he pays in every case.

4131. In your opinion would that, to a great extent, be sufficient security for any advance which the State is likely to make to facilitate the purchase of the land?—I think the margin of the possessory interest in Ireland is so large as to be ample security.

4132. In your opinion, a considerable advance might be made by the State over and above that which is now advanced under the Land Act?—I think so.

*The O'Connor Don.*

4133. Following up the last answer you gave, I would ask to what extent do you think the State might safely advance?—What I should like to say upon that, possibly the Committee might think rather advanced; but if you are going to deal with this question at all, so as to produce any political benefit from it, and to carry out the object aimed at in creating peasant proprietary, I would say that the State ought to deal boldly and liberally with the question, and not be discussing whether the advance should be two-thirds or three-fourths.

4134. And advance, would you say, the whole of the purchase-money, or would you say that some proportion should be found by the tenant occupier?—As I converse in dealing with that subject, all that the State wants is to see that it will not lose; that it has security; and if the State employs in this case the Landed Estates Court, or the Board of Works, or any other commission, and gives adequate powers to it, that body ought to protect the State; and I would certainly leave a discretionary power with that body, if they saw there was security behind, to advance the entire of the purchase-money.

4135. On the other hand you would leave, would you not, to the same body, the responsibility of refusing to advance any particular amount?—I would.

4136. Have you read the evidence given by Mr. Vernon before this Committee?—I have read his evidence.

4137. Do you approve of the proposal he suggested with regard to having a special commission appointed for the purchase of estates?—I do not approve of it in the way Mr. Vernon proposes it. I think he would have a commission without work.

4138. Will you explain the grounds of your opinion?—In point of fact, what Mr. Vernon proposes to do may be done at present with the commission lending three-fourths of the money. If I were a landed proprietor, I should be very slow to approach the sort of commission he proposes to constitute; I think that he would find it very difficult, if not impossible, to deal under his system with the question of the residue in a way which would satisfy me if the State is to be secured from loss.

4139. But when you say if you were a landed proprietor you would be very slow to approach the commission, are you aware that Mr. Vernon's proposal is not for the commission to approach landed proprietors at all, but to approach the sales in the Landed Estates Court?—But that is, after all, approaching the landlord; the landlord

*The O'Connor Don*—continued.

will approach the commission through the Landed Estates Court.

4140. An estate is put up for the landlord by himself or his creditors in the court, and what I understand Mr. Vernon's suggestion to be is, that this commission should go into the Estates Court and bid for it like one of the public, and purchase it on *dece*, and then proceed to sell it to the tenants who are capable of purchasing; is that what you understand?—Yes.

4141. Is there any necessity there for any communication whatever passing between a particular landlord and the commission?—No; but what Mr. Vernon proposes to do would appear to me to be an admirable thing to be worked out by private companies. I do not see how the question of the residue is to be dealt with unless the commission goes into speculation, which it appears would not harmonise with the position of such a commission.

4142. But I presume the essence of Mr. Vernon's proposal is the State advancing the purchase-money at a very low rate of interest?—Yes, that is part of his scheme; and that is of course part of any scheme which would deal with the question at all; but he appears to me to contemplate the creation of very expensive machinery for speculating in landed estates; and as you have asked me the question, I can only say that I believe you would have a commission without work. I do not think there would be much to be done by his commission.

4143. I am still, I must confess, incapable of understanding the ground upon which you base that answer?—In the first place the question arises, how would you deal with the residue. Take your own estate for example; if you think proper to place your own estate in the market, you may find a certain proportion of the tenants willing to buy at a certain number of years' purchase named, but there would be a very large proportion who would not, and what security would you have in putting your land into the hands of this commission that the residue would realise what you would consider to be a fair price.

4144. Are you not again assuming what Mr. Vernon never assumed, namely, that the landlord is to put his estate into the hands of the commission. Is not the assumption this: I want to sell my estate, and I put it into the Landed Estates Court; I do not care who purchases it; say that the commission purchases it; that is nothing to me; you say that the commission will have nothing to do; I want to know upon what ground you base that statement; if the commission purchases the estate, will not it have plenty to do in endeavouring to sell, and bargaining with the tenants?—Of course there will be plenty of work if you call that work, which will end in no issue or result. It does not follow that it would end in the selling of the estate to the tenants. How is the residue, as it is called, and which may be more than half the estate, to be dealt with? I am assuming that the commission would act so as to secure the State against loss.

4145. You do not believe that this commission would end in selling to the tenants?—That is my belief.

4146. You do not believe that a sufficient number would be found to purchase?—I do not think so.

4147. In what way would a sufficient number

be

*The O'Connor Don—continued.*

be found to purchase, if they could not be found to purchase in this particular way?—This view has often occurred to me in considering this question. First of all I assume that the State is going to deal comprehensively and liberally with the question. A landlord is anxious to sell his estate; he agrees as to the terms of sale being so many years' purchase; then your commission steps in, and takes the position of the landlord, advancing, say, if there be security in the way of possessory interest, the entire of the purchase money of the landlord's interest. I believe that in that way, and in that way only, will you succeed in creating in Ireland an adequate number of peasant proprietors.

4148. You think that, without advancing the entire of the purchase money, you cannot succeed in establishing what you would call an adequate number of peasant proprietors?—I do.

4149. Do not you think that, without advancing the whole of the purchase money, you might establish a considerable number of peasant proprietors, though not, according to your view, an adequate number?—I do not think you would establish very many. As regards the ordinary class of farmers, more especially the class of small tenants, if there is a short potato crop or a bad harvest, or any disturbing element in the agricultural condition of the country, anyone who knows the state of Ireland must be aware that in a bad year the tenants are in a very depressed state, and that shows to everybody, I think, that they have no money available for any purpose of this kind.

4150. Then it practically comes to this, that without advancing the entire purchase money, you do not believe that any great advance will be made in the way of creating peasant proprietors in Ireland?—No; I have carefully considered Mr. Vernon's scheme, and I have come to the conclusion, after giving it the best consideration that I could, knowing Ireland as I do, and the people that he proposes to deal with, that it would take a thousand years, at all events, before any sensible effect could be produced.

4151. Are you aware whether the tenants in Ireland have any money in the banks in the country, or have you ever considered that question at all?—I have.

4152. What is your answer upon that point?—I am quite sure that the class of people which I speak of, namely, these small tenants, have very little money in the banks. Independently of that, I am of opinion that there has been a good deal of misapprehension regarding bank statistics, because bills count as money in the banks. I think you will find, if you consult any bank, that what are called deposits, which the statistics put at 15,000,000 £. or 16,000,000 £. in the banks, do not represent money deposited in the banks.

4153. They represent debts charged to somebody else?—Yes.

4154. But so far as the owner of the charge is concerned it is cash, is it not?—In the case of a man having a bill put to his credit, and having drawn the money already, you would not call that cash surely available for the proposed purpose?

4155. But I understand you to say that the deposits are made up, in some instances, of bills which one man would lodge which were due to  
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him by another?—That is sums of it, but that is not all.

4156. So far as that was concerned, it would be cashed in his regard if the person who owed the bill were solvent?—That is so; but I would submit to you that there is no evidence that the small farmers have any large amount of deposits in the banks; and what is more, there is no evidence to show that all the money sold to be deposited in banks is *dead pile* there.

4157. Have we no way of judging of the means of small farmers, from the sums which they give for these possessory interests?—As far as it goes it is evidence, but they very often borrow a part of the money.

4158. Are you aware of the sums which are very often given by small farmers on marrying their daughters?—I have no doubt as to that; but I think that the number of cases in which the marriages take place without any portion, is infinitely larger than the number in which any large portion is given. You would find that the per centage of the marriages of the daughters of small farmers, in which these large portions which are talked about are given, would be extremely small. You hear, perhaps, of one farmer giving a large portion with his daughter, but you must bear in mind that there are 400,000 holdings in Ireland.

4159. You have alluded particularly to a very large estate in my neighbourhood, namely, Lord Dillon's estate; do you consider, as a rule, that there are very few tenants upon that estate who would be able to give large fortunes to their children?—That is a very peculiar estate, and one of the best managed in Ireland; and what may happen on an estate like that, is not to be taken as a criterion of what happens in the case of small farmers elsewhere. I have an intimate knowledge of part of that estate, and I am in a position to state that the per centage of the small farmers who have much money in the banks, and who give large fortunes to their daughters, is very small.

4160. Are the tenants upon that estate not particularly small tenants, as a rule?—Yes; the rental is about 28,000 £., and there are about 5,000 tenants.

4161. The land is very poor and bad, is it not?—Yes, especially in the west, the Mayo side; it is very rough and stony, or reclaimed bog.

*Mr. Bruen.*

4162. You spoke of the desirability of converting the occupiers into proprietors; now do you think it would be more desirable to convert the occupiers of larger holdings into proprietors than the occupiers of the smaller ones?—I should certainly like to see both. I should be very sorry that it should be supposed that I have any view at all in favour of small holdings. I have not, but I take them as they are, and I should like to make the most of them.

4163. But I want to find out what your opinion is with regard to the two; comparing one with the other, which do you think is the more desirable of the two classes to convert into proprietors?—I think in a country like Ireland, the class of farmers which are most beneficial are those having holdings sufficiently large to require a pair of horses to work them. As a rule, I find such farmers have a supply of fair implements, and can produce very good crops, and I certainly  
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Mr. Bruce—continued.

would like to see a very large number of farmers of that class created proprietors.

4164. Am I to understand, then, that your preference is in favour of converting that class of farmers into proprietors, as compared with the smaller class of farmers?—In a country like Ireland, I consider that that class of farmer, whether he is proprietor or tenant, is, on the whole, the best type of farmer to have; and so far, I would say that every facility ought to be given to him to become a proprietor.

4165. You think he is the best type of farmer; do you think that is owing to the size of his holding giving him a greater chance of success in his farming operations than the smaller holder?—It is. His holding, as a rule, is large enough to enable him to cultivate it himself with skill, and without skill in the farmer, of course he cannot extract from the land the maximum produce, or anything approaching to it.

4166. You think that any man who has a holding large enough to give employment to two horses is likely to make more out of his holding, and to make it more productive than a man with a small holding?—No; I think, on the contrary, that a man with a small holding will produce a greater proportionate amount, but that the man I speak of can afford to educate his family fairly, and to bring them up decently; and I think there would be a surplus after educating the children, which remains behind to increase the productive power of the land, or to swell the national resources in some other form; whereas the very small farmers about whom I have been asked, would be found to have very little to invest either in his holding or in any other way.

Mr. Fernald.

4167. When you say "a man with two horses," would you make that the minimum?—If I had the power to parcel out a new estate to-morrow, I must candidly say that I should not like to have any tenant who did not occupy land enough to employ a pair of horses, except upon land like that of Lord Dillon's, where you could not use horse labour at all.

Mr. Bruce.

4168. Is not that a very exceptional case?—No; there is a large portion of Ireland which is very hilly; a part of Down, a great deal of Donegal, and a great deal of the west and south of Ireland are mountainous districts.

4169. I think you made use of the expression in answer to the honourable Member for Roscommon, "an adequate number of peasant proprietors;" what would you consider an adequate number?—I should certainly like to see a minimum, say of one in five; in Belgium it is, as I stated, one in three; I think the proportion there is not too great. To produce any sensible effect the proportion should be at least one in five. In fact, I should like to see the bulk of the people proprietors in a country like Ireland.

4170. You live, I think, at Glasnevin?—I do; my head-quarters are there.

4171. But you inspect the agricultural schools in Ireland, do you not?—I do.

4172. How many farms are there that you inspect?—There are two classes; there is one class which has been worked hitherto by State funds, and the Treasury think that the number should be reduced; there used to be 20 of them; the

Mr. Bruce—continued.

others are for encouraging the teaching of agriculture in the rural schools; of those there are actually at the present moment 137; there are small pieces of land attached to the schools.

4173. Is your experience of agriculture in Ireland principally derived from your journeys backwards and forwards to inspect those schools?—In the first place I have had the direction of several of the farms which have been worked for the public account, such as Glasnevin. Therefore my knowledge is derived from actual personal experience.

4174. But still personal experience derived from farms in which you have an unlimited amount of labour?—If you mean *peasants' labour*, they are employed for their own benefit; that is to say, we employ them to cultivate their skill.

4175. Have you had experience in inspecting, and judging of farming upon estates in Ireland, other than that which you have derived from going about to inspect agricultural schools?—There are very few estates in Ireland of any magnitude upon which I have not inspected farms for my own information. I should say I have visited most of the notably well-managed farms in Ireland.

4176. Were you resident in Ireland before you became Professor at Glasnevin?—I am an Irishman.

4177. You spoke of tenant-right in Donegal fetching 40 years' purchase; was that a case in which the rent was the fair value of the land?—It really was. It is necessary that I should explain that the desire in parts of Donegal, where there is excessive sub-division, to get into the possession of a bit of land is so intense, owing to the fact that the people have no other occupation to fall back upon, that they give these fabulous sums for the tenant-right.

4178. The possession being in perpetuity almost?—Not necessarily. On many of the Ulster estates it comes very close to it, but in no place could you, I think, say that it was a perpetuity.

4179. It is practically a perpetuity, is it not?—No, because the landlord has a right, when he thinks fit, to increase the rent, and to wipe out the tenant-right.

4180. It is a perpetuity at a variable rent?—Yes, that may be accepted as a definition of it.

Major Nolan.

4181. You have stated that very large sums are often given in the north of Ireland for tenant-right?—Yes.

4182. Are those large sums given in a very large proportion of cases?—In some cases.

4183. If those tenants have a large sum of money to give for tenant-right, how is it that they have not the money to find one-fourth of the purchase money of the fee?—Where they have the money to purchase the tenant-right, they have it of course to give in part to purchase the fee; but I should observe that the per-centage of cases in which those very large prices would be given for the tenant-right would be much smaller than, I think, many have any idea of.

4184. Are there not many cases in which the tenant-right is disposed of at that rate which you have mentioned?—I should be very sorry to produce the impression upon the Committee that 40 years' purchase is habitually given in Donegal.

4185. Would

## Major Nolan—continued.

4185. Would you say that 10 years' purchase was habitually given?—They give in many of the cases which occur 10 years' purchase.

4186. Would not the price they give for 10 years' purchase of the tenant right be a great deal more than they would have to find under any State scheme or any other scheme?—But then the number of cases in which the tenant-right is purchased is so very small, that even supposing in every case where tenant-right is purchased, you created a peasant proprietor, that is to say, if the number of peasant proprietors to be created, were measured by the number of persons who even buy tenant-right at a good price, it would be so small that I do not think it would be worth the attention of Parliament at all.

4187. With regard to the partitioning of daughters, which the honourable Member for Roscommon examined you about, would you say that there are but few cases of marriages where four or five years' rent of the farm is given to the daughter by the father?—In some cases they would give a much larger portion than in other cases, but I would say that of the small farmers' daughters who marry in Ireland, the per-centage who get these fortunes is very small.

4188. In the case of a man with a son and a daughter only, is it not a very common thing to give as much money as would pay the rent of the farm for three or four years?—But then I answer that by saying that the number of families in Ireland in which it happens that there are only a son and a daughter, is very small; the average number of a family is put down at five.

4189. But I say when a farmer has only one son and one daughter, is not it a very common case to give a marriage portion equal to four or five years' rent?—Yes; but the number of families in which there is only one son and one daughter is so small, that if you made every one of these peasant proprietors, the number would be few compared with the whole.

4190. But the question I am asking is, do not such cases occur?—There are such cases, but in every 100, I would say they are very few.

4191. But would it not tend to prove, that if they could give it to one daughter, they might be able to give it if they had a larger family?—It does not follow, because a man with one son and one daughter has money, that a man with four or five sons and daughters has money; I repeat that the per-centage of families amongst the poorer classes who give these fortunes is very small, but the per-centage of those amongst the middle classes who give these fortunes is considerable.

4192. What do you call the middle classes?—I would say those having two horses, and upwards.

4193. Now going to another point; you stated that a good deal of money which was reported to be in the banks of Ireland, was money raised on bills?—Yes.

4194. Are not those bills raised upon some form of security?—If a small farmer cashes a bill for 20 £, he gets the money and uses it for another purpose; the money is not available for the purpose of buying his holding, but has been used for some other purpose already.

4195. But is not the money generally used for stock?—Yes, and whenever the half year's rent 0.51.

## Major Nolan—continued.

comes round it has in some cases to be raised to pay the rent.

4196. Is it not sometimes raised upon the security of the stock?—Yes, it is sometimes.

4197. In that case would not some of it be available for the purchase of small holdings?—But if you deprive a man of his stock, you deprive him of the means of production; the stock is as much a means of production as the soil itself.

4198. But could not a man, if he had to raise money upon his stock, have a cheaper or lower kind of stock; could not he reduce the value of the stock upon his farm without reducing his farm materially in value?—I should say that the very worst thing he could do would be to reduce the stock.

4199. Or even to reduce the quality?—It would be still worse.

4200. You think that in all cases, if a farmer sold any of his stock to purchase his farm, he would be doing a mischievous thing?—I certainly think so.

4201. Do not you think that he might by working harder, and breaking up a portion of his land, be able to recoup himself at the end of three or four years?—Many of those small farmers already depend too much on tillage. Again, supposing contagious disease comes in, and destroys a portion of his animals, he is a ruined man altogether; because he had borrowed money on them; he would then be in a worse position than before.

4202. You mentioned a six-acre farm, and a 25-acre farm at Glasnevin; what is the gross produce of the six-acre farm?—The gross produce comes to about eight years' rent of the six-acre farm.

4203. So that one year's produce would be a great deal more than the money the tenant would have to pay down towards purchasing the property?—You would not expect that an ordinary farmer would keep his farm in the same high state of production.

4204. Is there more labour put upon that farm than upon ordinary farms?—No; it represents the labour of a man and a boy. The labour is skillfully employed. There are farms in Ireland quite as well managed as that, but they would not represent the average.

4205. With such a large margin as the difference between eight years' rent and one year's rent, would it not be possible for men, by pinching them in living for two or three years, and increasing the produce of the land by hard labour, to find the money out of this four or five years' rent?—But supposing the rent is 5 £, and you multiply that by eight, that is 40 £, you give his rent to the landlord; the seed and manure, and other outgoings will come to about three rents, and you will have five years' rent left, that is 25 £ a year to live upon; and I do not think that will enable a farmer both to live upon it, and save what would enable him to become the owner in fee.

4206. Not with extra exertion?—No; land does not, on an average, produce eight times the rent; I say it is a great mistake to assume that these small farmers have, as a rule, much money put by them; the middle class farmer and the large farmer often has.

4207. But not the small one?—No.

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4208. What

Professor

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Professor  
Baldwin.

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Chairman.

4208. What do you mean by a "small one"?—I call a small farm one, for instance, which is too small to employ horse labour. In round numbers, you have 600,000 holdings in Ireland, and of those, 400,000, or about two-thirds of the whole, are under 30 statute acres in extent; and I say that of those 400,000 holdings, the proportion of men who give these large portions, as they are called, to their daughters, or who, after meeting their engagements, have money available to buy their land in fee, is very small; and if you take the number of men who hold under 15 statute acres, of whom I think we have 200,000 in Ireland, I am quite sure that the proportion of those 200,000 occupiers who have any money to aid them in buying the land in fee is wretchedly small; I am very sorry to say so, but it is so.

Major Nolan.

4209. You mentioned Belgium; you say that there are a very large number of small proprietors there?—Yes; 300,000 out of 500,000 holdings are under five acres.

4210. The expense of transference is small there, is it not?—It is much less than with us.

4211. It would be impossible to keep up these small properties, if the expense of transfer were not small?—It is of no use to think of keeping up peasant proprietors unless you reduce the expense of transfer.

4212. These properties are constantly being sold, are they not?—Yes, the properties are constantly changing hands.

4213. And the tenants have the money to buy the soil, have they not?—No; the best proof of that is, that two-thirds of the soil of Belgium is occupied by tenants. I am very much inclined to think that if you look to the statistics carefully, you will find that tenancy is growing among the small occupiers in Belgium, rather than ownership.

4214. That is to say, the number of such small proprietorships is being reduced?—Yes; that is my recollection of the reading of the returns, which are very peculiar. It is rather a drawn battle, but on the whole, tenancy is rather creeping in, as it appears to me doing in America. In Belgium many of the farms are so small, and the rents are so high, that the people are not able to save any money. It is the case of Ireland over again; the tenant farmer of Belgium has no money, and he is in a wretched state; and if you had difference of religion, which is the disturbing element in Ireland, the state of things would be as bad there as we have it in Ireland.

Mr. Fernald.

4215. Belgium is not like Ireland as respects rents?—No; the rents are considerably higher in Belgium.

Major Nolan.

4216. Would you not say that the stability of politics, and of the State generally in Belgium, is more attributable to the system of small proprietorships prevalent there, than to the fact of their being all of one religion?—Yes; the fact of their being all of one religion has to do with it in this way: there is a sort of public opinion created which, I think, keeps down the mischief which we have in Ireland.

4217. How do you account for the fact that, even when there was only one religion in Belgium

Major Nolan—continued.

and France, they had a revolution, but that now that there is more distinction in religion you have, comparatively, a stable state of things there?—The cause of the revolution must be explained in another way. What I say is, that you have in Belgium, rack renting without agrarianism, because one out of three occupiers of land is a peasant proprietor, which keeps down any tendency to disturbance. There is a public opinion arising from that condition which prevents it.

4218. And that is the state of things you would have in Ireland if you had the same conditions there?—Yes, I think so.

4219. You think it would be desirable, as a principle, to create peasant proprietors in Ireland, but you think that the want of money amongst the tenants would create difficulties?—I do. If you want to raise the small farmers of Ireland into the condition of peasant proprietors, I say you can do it only in one way, and that is, by giving State aid liberally.

4220. Do not you think it perfectly feasible if State aid is given to the extent of three-fourths, that the tenant should find the other quarter?—I do not.

4221. You think that in many instances he would not?—I am quite sure that small farmers, that is to say, the 200,000 small farmers in Ireland holding, on the average, seven or eight acres, have no money wherewith to find the other fourth.

4222. You do not think that in a period of 10 or 20 years they would be able to save the money if they had to find a quarter of the purchase money?—I do not think they could; I think they find it very hard to live.

4223. Have you not heard this in Ireland, that a man may own a very small farm, and may find it hard to live, but he may save money nevertheless?—They save money sometimes by living very hard and denying themselves adequate food, but what I say is, that the percentage of them who are able to do that is very small.

4224. Even if the farmers were stimulated by the possibility of acquiring property, you do not think that any considerable number of them would be able to find a certain amount of the money?—There would be a certain beneficial effect produced. If you create one here and there it will do some good; it cannot do harm; but I am sure you would be very much disappointed at the result if you calculated upon their being able to save money as suggested.

4225. How do you account for so many of the tenants on the Church properties, which were lately put into the market, finding the money to purchase?—It appears to me that the proportion who have done that is not at all large. I have been rather surprised, considering the facilities which the commission has afforded, that so few have purchased. It appears to me that there are only about 2,000 out of the 5,000 small farmers who have been made proprietors, and that is a very small amount considering, as I conceive, the liberal spirit in which the Church commissioners entered into the transaction.

4226. But if it were done on a slightly more liberal scale than the Church commissioners have been allowed to adopt, do not you think we should have a larger proportion of tenant purchasers?—Yes, but with this qualification; I do not think that I can assume that the lands in Ireland

## Major Nolan—continued.

Ireland generally will be so easily dealt with as the Church lands. The Church Commissioners had absolute power, and were not dealing with their own lands. I think, perhaps, the Church Commissioners were disposed to enter a shade more liberally into the disposition of these lands to carry out the spirit of the Act of Parliament, than people would be in dealing with their own lands.

4227. But as I understand you, the tenants have not got sufficient money to deposit a portion of the purchase-money?—I prefer to give my own experience, rather than discuss that of the Church Commissioners; but as you press me upon the point, I have to say, it appears to me that the Church lands were really underlet, as compared with other lands.

4228. Do you think that the Church tenants were better off than those on other properties?—The result of my observation is that the lands were let lower than adjacent lands.

4229. That in your opinion would account for it?—Yes, that would account for it.

4230. But if we have it in evidence that the tenants on Church properties were in rather a worse condition than the average tenants of Ireland, would it not be fair to conclude, that if the purchasers of Church lands were able to find the deposit money, a great many other tenants in Ireland will be able to find the deposit money?—Yes; but it altogether turns upon the value of the evidence. What I say upon that point is, that if you send down an independent commissioner to inquire into the condition of these Church lands, and compare the lands and the condition of the people with the adjoining lands, I shall be immensely surprised if that which you assume were to be proved.

4231. If that evidence were correct, you would agree that that would be a very fair reason for supposing that other tenants would be able to find the money, would you not?—Only as far as it went, but then we have it shown by the evidence that the tenants found the money by borrowing it. I do not approve of their borrowing money at all. As one desirous of seeing the land made as productive as possible, I say that the State should not begin by inducing men to sell their stock, which is the instrument of production. I say such a thing is injurious to the State.

4232. Taking it as a whole, would you not think the action of putting these Church properties into the market beneficial to the country?—As far as it has gone, I think it is a very wise way of disposing of the Church lands.

4233. Do you think it would be possible to imitate that with a large amount of the saleable land in Ireland, and to find purchasers for it?—I think if you adopt a system which will advance more of the purchase-money, you will find many of the proprietors in Ireland willing to sell, and in that way I have no doubt you will be able to create a very large number of peasant proprietors.

4234. Then you will find some tenants able to make some deposit?—They will make an effort to do so. My proposition to advance the whole amount may, perhaps, alarm you, but I do not suggest that you should give the whole without security, because there is the possessory interest; and if you wanted a little more security than that, I do not see any reason why you should not adopt this plan, namely, requiring every peasant pro-

## Major Nolan—continued.

prietor at the start to pay down the first instalment as a security to the State. I think that possibly a very large number of them could go that far, and inasmuch as you have one instalment paid to you, that would secure the State for every instalment after that.

## Mr. Meillon.

4235. From your evidence I think I gather that you consider that the creation of peasant proprietors would tend to make the land productive?—I do.

4236. And you also think that the creation of peasant proprietors would tend, to a very great extent, to make the people contented and happy?—Decidedly.

4237. I gather from your evidence that you thought the creation of these peasant proprietors would tend to facilitate the reclamation of land, and also to improve the poor land?—I have no doubt whatever upon that point. There is such a large extent of land in Ireland which is only half reclaimed; there are immense tracts in the lands of the tenants in Ireland which will not in all probability be reclaimed unless you make the tenants proprietors.

4238. But, practically, is not a vast quantity of the very poor land in Ireland which is reclaimed and made good, so reclaimed by the small occupiers, and not by the landlords?—That is substantially the case.

4239. That state of things would be very much increased if these peasant proprietors were created, would it not?—I consider it is self-evident that, in order to induce people to cultivate these waste or semi-waste lands, you must give them a very large measure of security, and the largest measure of all is to create them peasant proprietors.

4240. In point of fact, must not the very poor land in Ireland be reclaimed by the occupiers by means of their own industry?—That is the fact. If a landlord in Ireland, who owns perhaps a very large tract of bog or waste, were to undertake to do that himself, it would ruin him.

4241. Whereas it can be done by small farmers employing their own labour, and that of their families, doing it from year to year?—Yes; they attach very little value to their own labour.

4242. If the tenants were satisfied that their holdings were their own, and that they would not be disturbed, do you think that those reclamations would be carried on to a greater extent than at present?—I think it self-evident that it must be so.

4243. And that the creation of a peasant proprietary would lead to that result?—Yes; directly and inevitably.

4244. Do you consider that the small farms of 6, 10, and 15 acres, are reasonably well cultivated at present?—The percentage of them which is really well cultivated is very small.

4245. How do you think that that arises; is it owing to the feeling amongst the tenants that they have not security for their improvements?—That goes to account for it to some extent, but it does not account for it altogether. I think it is at the root of the evil, but there is a want of skill which is also an important element.

4246. With regard to very heavy heavy land and stony land, cannot that be reclaimed better  
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Mr. Melrose—continued.

with a spade than by any other means?—There is a great deal of land in Ireland of that class which can only be reclaimed by the spade.

4247. It would never pay the landlord or a large holder to drain about and reclaim land of that kind upon a large scale?—In many cases it would not pay him 3 per cent. if he were to attempt to do it.

4248. Whereas it would pay a small man to do it?—As a matter of fact they have done it in many instances.

4249. The Committee have heard a great deal about the want of horse labour on small farms; is it not the fact that many holders of small farms do keep horses, not for the cultivation of their farms, but for letting them out, and making a living out of their hire?—The number of persons who do that is very small.

4250. Have you any statistics to give the Committee on that point?—There are no statistics to show that.

4251. Is that the result of your own experience?—It is the result of my own experience. Here and there you meet such men, but the number of farmers out of the whole who do that is very small.

4252. Are there a large number of occupiers in Ireland who make their living as agricultural labourers, as well as by working their own holdings?—Yes; that practice prevails in many parts of the north and west of Ireland. The father, and perhaps a son or two sons, will come to England, and go back and pay their rent with the money which they have earned.

4253. The small farmers work for the other farmers in the west of Ireland, do they not?—Yes, they do to a great extent.

4254. Is not that a class of men who ought to be encouraged as having a stake in the country, by holding a piece of land, and still earning his livelihood by working as an agricultural labourer?—I think it is desirable to encourage every class, but I am not quite sure that that class has any special claim to consideration, seeing that they are neither farm labourers nor farmers very often.

4255. Is not the prosperity of the north of Ireland very largely to be traced to the fact of persons being able to earn a living by some handicraft, and also farming to a small extent?—Weaving formerly existed in the north, but now it exists only to a very small extent.

4256. Is not the prosperity of the north owing to the existence of such crafts there?—That was one of the elements that went to make up their prosperity.

4257. As a matter of fact, that class exists to a great extent in the north?—I think that the prosperity in the north as compared with the south is traceable to their having manufacturing industries, which employed the surplus population, an advantage which does not exist elsewhere.

4258. I think you state that the rents in Belgium are exceedingly high?—They are very high; still if any man were a landlord in Belgium, I suppose he would exact what he could get, as a rule; the rents are paid, of course, and that is the measure of the letting value.

4259. But the letting value is considerably higher than it is in Ireland?—Yes, it is certainly.

4260. The result of that has been that the

Mr. Melrose—continued.

capital of the tenant really goes to the landlord?—I do not see the matter in that light; the tenant invests his capital, and he lives on the profit of it, paying for the use of the land a certain price, and I do not see that he has anything to complain of. He would act as the landlord acts if they were to change places.

4261. When he improves the land his rent is raised, and all the increase in the value of the land is then, instead of being left to the tenant, handed over to the landlord; is not that so?—That raises of course the larger question of dealing with the land question, and not the subject of peasant proprietary; I should be very happy to answer any question the Committee think proper to put to me.

4262. I am not going into the question of fixity of tenure, but practically if you create a peasant proprietary, all these improvements will go to the tenant, and not to the landlord; in Belgium that peasant proprietary does exist to a great extent, does it not?—It does.

4263. If you can make the tenant the proprietor himself, the value of the improvements will remain with himself and not with the landlord?—No doubt; but I cannot accept the dictum that it is a sacrifice of capital; as long as you have a tenancy at all, you must leave it free to adjust itself; and so long as the tenant is willing to give the rent which he does in Belgium, I cannot see how you can help it.

4264. I understand you to say that in your opinion the State ought to aid in the creation of peasant proprietors as long as they can do so without loss?—I think so.

4265. If facilities were given for the creation of these peasant proprietors, do not you think that the result would be that a large sum of money would be brought into the country from the friends of intending purchasers in America and elsewhere to enable them to become proprietors?—I have no evidence one way or the other bearing upon that point, and therefore should not venture upon an opinion; but it appears to me that America has just enough to do to look after its own interests at present.

4266. In the last dozen years very large sums of money have been sent to farmers from their friends in America?—Yes; but I am afraid that the amount of money coming regularly now is very small; in fact, I find that in many parts of Ireland people have come back from America in order to try to make a living at home.

4267. But the fact of people being able to get help from their friends in America, or elsewhere, to assist in purchasing their farms, would have a tendency, would it not, to facilitate their endeavours to purchase?—No doubt by facilitating purchase by tenants, you encourage the sending of money from their friends in America; that is to say, you would draw it out if it were there.

Mr. Errington.

4268. With regard to Belgium, your evidence was, that the Belgian proprietor is very hard-working, and very industrious?—He is.

4269. You would not be prepared to give the same high character to the Irish small occupier?—I could not; the Irish occupier is often hard-working, but he wants the skill of the Belgian.

4270. Anything which would tend to increase the industry of the Irish tenant would be a very desirable thing, would it not?—It would not only be



Mr. Errington—continued.

be a desirable thing for the man's own sake, but for the sake of the State; you increase the national wealth immensely by increasing the industry and skill of the population.

4271. I have in my hand a report by you upon a scheme which was tried under Lord Spencer's presidency, to encourage farming in Ireland, by giving prizes to small farmers; that scheme was tried on a small scale, was it not?—Yes; it was a tentative experiment.

4272. Did that experiment yield any results?—Yes; very remarkable results.

4273. I would infer from that, that if the result of this small tentative scheme was advantageous a larger scheme might have a salutary effect?—I believe that if you can get an adequate number of peasant proprietors out of these small firms that I spoke of, in ten years you will revolutionise the state of the peasantry of Ireland.

4274. I see in this report a complaint that tenants in some of these districts were not prepared to compete for some of these prizes, because the impression prevailed amongst the less intelligent of the farmers that their rent might be raised if they succeeded in winning the prizes; is that the case?—I went to their houses and talked to the farmers, and found that state of things to exist.

4275. I think that tends to show that there is a feeling of want of security which produces such effects as these?—It shows that very clearly.

4276. In answer to the honourable Member for Roscommon, you stated that you were convinced that the State might safely advance the whole purchase-money?—I am really of opinion that you may safely give that power to the Commission, always assuming that you have a Commission which the State can trust, which of course you would have.

4277. In advancing the whole of the money, you do not speak necessarily of the whole of the purchase-money, but merely of the actual value as ascertained by the Commission?—Precisely so; the actual value of the landlord's interest. When the tenants and the landlord agree, the one to buy and the other to sell them, the Commissioners would go down themselves, or send men of character and competence to examine the lands, and it would be the purchase-money on that valuation that I should advance.

4278. If a tenant chose to agree to give more than the Commission considered the fair value of the land, he must provide the extra money himself?—Yes, he should provide the difference.

Mr. Vernon.

4279. To whom do you refer when you say the Commission; do you refer to Mr. Vernon's scheme?—Yes; supposing, for example, you make Mr. Vernon himself a Commissioner, and entrust the duty to him.

Mr. Errington.

4280. Your objection, then, to charging a tenant either one-third or a fourth is, first of all, that he would most likely be unable to pay it?—That is so.

4281. If he found the money it would be found by borrowing it, and crippling himself exactly at the moment when his energies ought to be most free?—Yes, it is just at the moment that you make him a peasant proprietor that he would want a little money for other purposes.

Q 51.

Mr. Errington—continued.

4282. That would apply much more if he had not the money, and succeeded in raising it at a usurious interest at the banks?—It would much more so.

4283. You know the system of taking fines in Ireland from an incoming tenant?—I do.

4284. Do you consider as an agriculturist that that is an injurious system?—I do; I consider it highly objectionable, and on the same ground I consider the Ulster system of purchasing the tenant right most objectionable. Looking at it as a scientific agriculturist, if I may so call myself, I do object to it. I think that the poor man whom I saw giving 40 years' purchase for the tenant right in Donegal crippled himself, it may be, for ever.

Mr. Vernon.

4285. You think it is detrimental to the State that any man should do so?—I do decidedly.

Mr. Errington.

4286. We have had two estates belonging to Lord Headfort brought forward as instances; one on which there was tenant right to a large amount, and the other on which there was no tenant right; on which estate would you prefer to be a tenant?—I would prefer to be a tenant on the estate on which there was no tenant right.

Chairman.

4287. But Major Dalton stated that the estate on which the tenant right existed, was the better cultivated one of the two?—There may be other reasons for that. I should be quite sure of this, that security of occupancy in any shape or form must inevitably encourage a man to work harder and to do more; yet I am quite satisfied that the prosperity of the agricultural population of Ulster is not directly amenable to tenant right.

4288. Major Dalton attributed the better condition of the one estate to the security which was given to the tenants by the existence of this tenant right?—There must be some connection between the two things, but from my experience I consider that there is no direct connection between tenant right and prosperity, further than this, that anything which will tend to give a man security will stimulate him to greater exertion.

Mr. Errington.

4289. May I take your conclusion to be that in so far as tenant right gives security to the tenant it is an advantage, but that in so far as it represents the capital of the tenant being locked up, which he cannot avail himself of, it is injurious to his farming successfully?—Precisely; I should like to add in qualification of what I have stated upon that point, that the best cultivated estates in Ireland are not invariably those upon which there is the highest measure of tenant right.

4290. With regard to your view, that the State might advance the whole of the purchase-money, that would be paid off in 52 years I presume, in the same way as the tithe rent charge?—Yes, I would be disposed to say that that would be the best mode of dealing with it.

4291. In any case there would be no increase in the rent?—Not necessarily.

4292. At the end of 52 years the tenant would become the owner, would he not?—Yes, and the State would not lose money by the transaction; while it would gain immensely in the increased peace and prosperity of society.

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4293. You

Professor  
Baldwin.  
4 April  
1878.

Professor  
Balfour  
4 April  
1876.

Mr. Wilson.

4293. You stated that upon the best cultivated estates there is no tenant right; do you know Lord Downshire's estate?—I do.

4294. Is that well cultivated?—It is admirably cultivated; but what I say is, that there are estates in Ireland as well cultivated on which there is not the same measure of tenant right.

4295. You know also the Duke of Abercorn's estate in Donegal, do you not?—I do.

4296. Is that estate well cultivated?—It is exceedingly well cultivated.

4297. Is there a large and liberal tenant right upon that estate?—Yes, a large and liberal measure of tenant right prevails there. I would add that most of the large proprietors in Ulster are extremely liberal.

4298. You stated that the Church Commissioners sold their property at low prices. I gather that from your answer about the liberal spirit in which the Church Commissioners dealt?—That is a matter upon which I am not able to give an opinion. I have not examined these lands since the Church Commissioners commenced selling, but I had been over many of them before.

4299. You stated that this Commission proposed by Mr. Vernon would be a Commission without work; you mean, I presume, that no more land would be brought into the market by that Commission?—There might be a little, but I mean that the effect of a Commission constituted in the way he proposes, would be very small.

4300. Have you any scheme of your own to propose?—I think what I have stated, would rather indicate any scheme that occurs to me; you may do it in two or three other ways. I consider that you ought to have a high class Commission to deal with the question, and I would make it, not like many other Commissions in Ireland, for I would like to see the President or Chief Commissioner thrown into the position where he would have more responsibility imposed upon him.

Mr. Plunket.

4301. Do you mean Parliamentary responsibility?—I do.

Mr. Wilson.

4302. Would you join the administration of the Cattle Diseases Act, or anything of that sort to this Commission?—It so happens that I would. I entertain the view that a minister of the kind ought to deal with questions of that description.

Mr. Plunket.

4303. Do you suppose that if there were an official representative of the Board of Works in the House of Commons representing that department especially, this particular question of the creation, or facilitating the creation, of peasant proprietors, could be safely entrusted to the Board of Works?—I do not see any reason why the Board of Works could not be so re-constructed; but you could get done by such a Commission as I think ought to be created, a good deal of the work which is now done by other Commissioners.

4304. Do you mean connected with agriculture?—I am clearly of opinion that the Valuation Department could be worked in very well with the Commission, and that all the functions now discharged by the Board of Works could be undertaken by it.

Mr. Plunket—continued.

4305. But, perhaps, an easier and more practicable way would be to absorb these various duties into the re-modelled Board of Works; it is already a great office; would you see any objection to remitting these various functions, which you speak of, of an official kind to the Board of Works under a Parliamentary representative?—I think it is an evil in a country like Ireland to have too many Boards.

4306. You spoke of the great deal of work done by the Board of Works being handed over to the Commission which you suggested; it would seem almost a more practical proceeding, if such a thing were necessary, to refer these various small operations to the Board of Works in its remodelled state?—I see no reason against it.

4307. It comes very much to the same thing, does it not?—Yes, it comes very much to the same thing.

Chairman.

4308. You may call it a new Commission or a remodelled Board of Works, whichever you please?—Exactly; call it by what name you will.

4309. I suppose by that idea you would suggest that you consider the Board of Works wants renovating?—I would rather not express any further opinion upon that point.

Mr. Wilson.

4310. Do you know any case in Donegal where there has been a sale of land where the tenants have purchased?—I know several.

4311. Do you know a case in the barony of Kilmacrennan where a man named Sweeney bought?—I know the case very well.

4312. Will you state the circumstances of that case to the Committee?—It was a small property in Donegal, which came into the market in the ordinary way; the tenants were very small farmers, and being very much afraid of a land jobber becoming the purchaser, they went to a very respectable young man in the town of Donegal, who is an auctioneer, and keeps a hotel and large shop there, and said to him, "You buy this estate in trust for us, giving us power to redeem at any time we think fit, and as long as you are out of your money we will give you 10 per cent. for it;" that was actually done.

4313. Are the tenants paying 10 per cent. now?—Yes, they were paying it at the time of my last visit; they actually doubled the rent in that way, but they have power to redeem at any time they think fit.

Mr. Brun.

4314. How long ago was that?—My last visit to the district was in 1876.

Mr. Wilson.

4315. How have these men got on since that time; have they been prosperous?—It is very difficult to gauge agricultural progress on small holdings; you can see if a man is improving his dwelling, putting the cattle out of the house, where they have hitherto been housed in it, and, perhaps, putting a live fence where a dead fence used to be, and doing a bit of fencing properly, which he would have done carelessly before; and certainly the evidence, as far as it came before me upon these farms, and I went through many of them, was the most remarkable I ever saw.

4316. Of

Mr. Wilson—continued.

4315. Of improvement?—Yes, of improvement.

4317. Notwithstanding that they were paying 10 per cent.?—Yes.

4318. Would you attribute that to the security of holding which they got?—Yes, I should say it would; and no doubt the big rent they had to pay was an additional stimulus put on to them, in order to pay it.

Mr. Bruce.

4319. Was it a tenant-right property before it was sold?—It was.

Mr. Vernon.

4320. I wish to ask you a question with regard to Lord Hindle's property; is not the character of the two counties, Cavan and Meath, very different; the one is very much more pastoral than the other, is it not?—Yes, the per-centage of grass in Meath is much larger, I should say, than in Cavan; the northern part of Meath, the part adjacent to Cavan, partakes very much of the character of Cavan county.

4321. But the difference of character between the two counties might account for the difference in agriculture, might it not?—No doubt it would, but not for the facts put to me.

4322. Have you many pupils at the model farm at Glensnevin?—Upwards of 50.

4323. And are the old pupils scattered over the land after they leave the farm?—They are in different parts of Ireland.

4324. In what capacity?—Many of them as land stewards, and many of them as farmers.

4325. Do many of them go out as farmers afterwards?—The per-centage is not so large as I should like to see it.

4326. I understood you to say that small farms could be worked close up to the fences, but do not you think that the small size of many farms causes a great deal of waste in the number of fences, and the waste land that exists on each side of them?—That is so in actual practice, but the proportion of waste on a well-managed small farm is less than on a big farm.

4327. You think that the large number of fences and small divisions does not cause a great deal of waste?—I am quite sure the waste from that cause is less than the waste from other causes on big farms; and you will bear in mind that on a big farm there are many wastes from fences. In the county Dublin the per-centage of land under fences on large farms is very great.

4328. You take in the brooks?—In the county Dublin the fences are extremely wasteful; there is a double dyke; on the south side of Dublin they are, as a rule, with farms in which there is an enormous amount of capital invested. I would not call that ordinary farming at all.

4329. When you say that a very large proportion of the farmers are unable to pay any of the purchase-money, do you think that it would be wise to encourage men without any capital to become proprietors?—If I were parceling out Ireland, I would not really like to subdivide it, as it is in many places subdivided, but I take them as they are, and should seek to make the most of them, not that I am in favour of such very small holdings as prevail in many parts of Ireland, but I would say, as one interested in the prosperity of the country, that having them there, the wise

Q31.

Mr. Vernon—continued.

thing is to try to use them, first, for their own good, and secondly, for the good of the State.

4330. You think that with no capital whatever, it is desirable to start men as proprietors?—They have some capital; they have their cows or sheep and other stock; they could not get on without that; it is not often adequate; but I should be sorry to see any scheme devised which would reduce the amount of the remaining capital which could be brought to bear on the land.

4331. Do not you think that if they had no capital they would get into difficulties?—They would get into the hands of usurers, and that is not at all a desirable thing to encourage.

4332. I suppose you have examined the system called "Rundale"?—Yes; I would give the Commission the power of squaring up the farms where Rundale prevails. I should be extremely sorry to encourage the perpetuation of a system of Rundale; but you can easily get over that, as a wise landlord gets over it, namely, by stripping.

4333. What does it consist in?—Rundale consists in this, where a man holding seven or eight acres of land has a little bit here, then two or three fields from that another bit, and another two or three fields from that again.

4334. The whole making up the seven or eight acres?—Yes.

4335. Does he hold that on other farmers' plots of ground, or is it under different landlords?—Not always. That system prevailed extensively upon Lord Dillon's estate when I first knew it; but the first thing the present agent did was to square the entire, or to "strip them," as it is called, and I think this Commission should have absolute power of dealing with cases of this kind.

4336. You do not think it a good system, and one to be encouraged?—I think it has no use feature to recommend it.

Mr. Plunkett.

4337. You seemed to state just now that land in Ireland has been principally reclaimed, and must be reclaimed by the small impecunious tenants, upon the ground that it would ruin a large landowner; did you intend to convey that to the Committee?—What I intended to convey to the Committee was this, that there is in the hands of the small tenants in Ireland a very large proportion of bog and mountain, which it would be most unwise for any proprietor to attempt to reclaim with his capital. I am quite sure he would lose by it. I think I know almost every case in Ireland where reclamation has been attempted by capital, and I do not know a single instance where that class of land has been reclaimed profitably.

4338. How much capital per acre do you consider it necessary for a farmer to have?—A good farmer in modern times has a capital, in round numbers, of about 8 l. to 10 l. an acre; I think 8 l. is ample per statute acre for even a good farm.

4339. I ask you that because, in answer to a question from the honourable Member for the county Armagh, you seemed to state that the capital of these farmers was a cow and a horse; you did not mean to suggest that that was the whole of their capital?—No, certainly not.

4340. If you advanced the whole of the purchase-money, would you limit the time in which the repayment should be made below the 35 years

Professor  
Bellevue.  
—  
4 April  
1878.

Professor  
Belkin.  
—  
4 April  
1873.

Mr. Plunkett—continued.

years now granted?—I should like very much to spread the repayment over a number of years, which would leave the rent very much about what it is.

4341. Would not that rather interfere with that process of the thrifty buying out the thrifless, which you advocate?—Not at all; it would be necessary to give very large powers to your Commission, and one power I should be disposed to give it would be this, that if a tenant failed in any way in meeting his engagements, and did not show any reasonable hope that he would be able to do better, I should give the Commission power immediately to sell him out.

Chairman.

4342. That is to say, if he did not pay the interest?—Yes, and if there were no hope of his doing so; I do not mean to say that you would do it arbitrarily.

Mr. Plunkett.

4343. Do you think, considering the state of Ireland, you could get another tenant to come in?—I am quite sure that by dealing with the question in the way that I propose, you would be creating a public opinion by which the opinion of the 99 would override the opinion of the one, as it does in Belgium.

4344. In Belgium we have to deal with a somewhat different population; the others might make it awkward for the incoming tenant in Ireland, might they not?—I consider that the Irish people, if dealt with fairly, are as amenable to treatment as the Belgians, and I would say rather more so.

Chairman.

4345. I understand that although you do not approve of the general scheme which Mr. Vernon suggests for carrying out the increase of peasant proprietors, yet you think that a new Commission is desirable?—Yes.

4346. Whether that Commission should be a branch of the renovated Board of Works or a separate Commission, might be an open question; at all events you think that a Department or a Commission should be entrusted with this duty?—Yes, it has often occurred to me in thinking it over that it might be possible to engraft such a Commission on the Landed Estates Court. I do not see how you can dispense with the Landed Estates Court in carrying out any scheme in the proposed direction.

4347. They would still remain the vendors of the property?—Yes, and deal with all questions of title; and what is also most important, considering the ordinary condition of Irish estates, with the distribution of the purchase-money.

4348. That would remain with the Landed Estates Court?—Yes, so would the dealing with questions of title.

4349. But for negotiating with the tenants, and negotiating the terms of purchase, and so forth, this body, whatever it is, must come into play?—I do not think you can impose that in any way upon the Landed Estates Court, because it is in this position, that it is really the auctioneer, and can only represent one side.

4350. That would point to the expediency of a Commission independently of the Landed Estates Court?—I think you must either have an independent Commission, or attach to the Landed Estates Court a Commission which would

Chairman—continued.

be as independent as the Court itself, in performing its own functions.

4351. Then, if your plan were carried out, you apprehend that there would be sufficient work to do?—Yes, I am quite sure that that would happen.

4352. Your idea is that you would extend the advances made by the State?—I would.

4353. I presume you would not go beyond this, that the interest and instalment to the State should not exceed the rent previously paid?—Certainly not.

4354. Provided the interest and instalment of the purchase-money did not exceed the amount of the rent previously paid, you think the advance made might be equal to the purchase-money?—I do. I see no risk whatever in it, and in any case I would leave the discretionary power with the Commission to demand an instalment in advance, say a year's rent or two, if they thought fit.

4355. Have you worked out the financial part of the scheme, and ascertained what number of years' purchase might be given, upon the assumption that the interest is calculated at 3½ per cent.?—I have worked it out, but I do not happen to have my notes at hand. I believe the figures have been fully worked out for the Church Commissioners by paid actuaries. If not I shall be happy to supply the figures in the Appendix.

4356. My impression is that you could not give more than 22 years' purchase upon that assumption, supposing the rate of interest be calculated at 3½ per cent., and the principal repaid in 32 years, in order that the interest and repayment of capital might not exceed the previous rent?—I would suggest that it would be objectionable to draw a hard and fast line at any number of years' purchase.

4357. You would not say that 22 years should be the rate of purchase in every case?—I would not.

4358. But supposing in some cases a higher rate of purchase were necessary; for instance, 25 or 27 or 28 years; what would you do then?—I should not be at all afraid to trust the Commission. If I entrusted it with anything, I would entrust it with the power of dealing with the case, and going up as far as it deemed safe in the interests of the State.

4359. Still, if I am right in my assumption, you could not get beyond 22 years' purchase if you spread the repayment over 32 years?—But a proprietor may get 26 or 27 years' purchase for good lands, and I should be sorry to restrict myself to 22 years' purchase.

4360. But if the amount payable to the State is not to exceed the previous rent, and the time is not to exceed 32 years, the purchase-money could not exceed 32 years' purchase?—I would in that case extend it over a larger number of years, as in the case of the tithe rent-charge.

Mr. Plunkett.

4361. With regard to the Commission you are speaking of, I suppose the practical work would have to be done by such an officer as Mr. O'Brien is in the Landed Estates Court, that is to say, a valuator and agent, who would go down and communicate with the tenants and with the solicitors, and so on?—It would no doubt.

4362. The operation of the Commission which you speak of would be rather one of a deliberative character,

Mr. Plunket—continued.

character, and the great object there would be to have upon it men of high character and responsibility?—Precisely. The head, or say President, of the Board would be responsible in his place in Parliament. Under him there would be a number of competent men who would do the work.

4363. But they would not have very heavy work to do; most of the practical work would be done by the officials who report to them?—Yes; but I am of opinion that all except the President should take an active part in working out the scheme.

4364. Therefore, if you were to attach such an efficient officer as Mr. O'Brien, or officers of that character, to the remodelled Board of Works, of which we have spoken, and, if necessary added simplicity to the Board, a special department for the purpose, do you not think that the head of such a Board of Works would be able to combine the operations arising in connection with the formation of a peasant proprietary with the other functions which might be assigned to him?—I do.

4365. That is to say, if you have efficient minor officers to carry out the practical part of the work, then the work to be done by the Commission would not be very heavy?—No, the real work would be done by the men who would go to the spot. They should be men who would command public confidence.

4366. Then all you desire in the way of a Commission is men of high and responsible character to decide upon the character of the work of their subordinates?—Yes, this would be a great work, and the head of the Board should be responsible in Parliament for its action.

*The O'Connor Don.*

4367. When you stated in answer to the question of the honourable Chairman, that you would limit the amount of advance to that amount, the interest of which would equal the rent, would you apply that to all tenancies, even where a tenant had a very considerable interest in a lease we will say, and was paying a very low rent at the present time?—I do not think you can derive any general rule which would cover every case.

4368. Supposing a tenant had a lease which was made many years ago, and which was very near its expiration, but as to which when it expired the rent might be easily raised to double what it had been, would you not consider it fair in that case to advance to the tenant an amount, the annual payment on which would be more than his present rent?—Certainly I would, because it would inflict great hardship upon good landlords if you did not; I would leave it to the Commission to decide the real value of the landlord's interest in the land. I know many proprietors in Ireland who do not demand for their land more than half its value, and it would be very hard upon them to lay down such a limitation as you have suggested; it is the value of the land, not the rent that I would go upon.

Mr. Heggate.

4369. You spoke of selling the waste land in Ireland; is it your opinion that there is really a considerable amount of waste lands in fair cultivation in Ireland?—I think there is a great deal of exaggeration as to the amount of waste land in Ireland available for cultivation, but there is 0.61,

Mr. Heggate—continued.

no exaggeration at all in saying that there are 5,000,000 or 6,000,000 acres of land in Ireland in a semi-cultivated state.

4370. The cultivation of which might be greatly improved?—The cultivation of which might be greatly improved, and the gross produce of which might be increased about threefold, and the rest of which, under a healthy system, would be doubled what it is now.

4371. Is it not the fact that you very often see cereal crops grown at a high latitude, which, economically, is very wrong?—Yes, I know that cereal cultivation is attempted by small farmers in parts of Ireland where I would say good farmers would not attempt it.

4372. Is it not the fact that you see a great portion of the oat crop up in the mountains every fifth or sixth year left standing out in October?—I do often.

4373. Practically there is as much land cultivated which ought not to be, as there is uncultivated, or badly cultivated, which should be cultivated better?—There is no doubt there is in some of the uplands.

4374. Could these lands as to which you say they ought to be cultivated better, be cultivated better by small holders taking little bits, or would it be necessary that such lands should be tackled upon a large scale, so to speak?—They can be improved more economically upon a large scale, and if you were to adopt any scheme, even the most liberal scheme that you could devise, I think I may safely say that on the good lands of Ireland there is no fear of small farmers superseding large farmers.

4375. Would it not be necessary to lay out a large system of drainage, supposing you were to have a concentration of a large amount of waste or semi-waste land?—I should be very much disposed to entrust that duty in the interests of the country, as far as my own judgment goes, to the Commission to be appointed. I do not see why the Commission should not undertake to make arterial drains, and roads, and works of that kind, for the purpose of improving the country.

4376. I did not quite gather your reply to the honourable Member for Donegal, who asked you to explain the meaning of your statement in which you said that you were not surprised at the sales of Church lands being so numerous, considering the liberal spirit in which the Church Commissioners entered upon the duty; did you refer to the price at which the lands were sold?—I think they have a certain amount of work to do, and it appears to me that they must do it.

4377. Your impression is that the lands were sold cheaply, as a whole?—That is my impression.

4378. That is what you intended to convey by a "liberal spirit"?—Yes, more or less.

Mr. Errington.

4379. Have you, in your various opportunities of judging of the condition of farming in various parts of Ireland, observed any change in the energy and habits of the farming class since the passing of the Land Act?—Yes, I have, decidedly.

4380. Has there been an increase of industry and energy?—Yes, there has, especially on the part of the middle-class farmers of whom I have spoken, but not so much on the part of the very small farmers.

Professor  
Balfour.

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Mr. Errington—continued.

4381. Would you also say that there has been an improvement in the modes of farming?—Yes, amongst the middle-class farmers, but I am sorry to say it has not gone down to the lower stratum in the same degree.

4382. How low do you think it has gone according to your observation?—There has been

Mr. Errington—continued.

a great deal of improvement on farms on which a couple of horses are employed, and others above that also. I think the changes of the Land Act giving compensation for improvements has effected that change.

4383. You have not observed any falling off in the smaller farms?—I have not.

Mr. MURDOUGH O'BRYEN, re-called; and further Examined.

Chairman.

Mr.  
O'Brien.

4384. I HAVE re-called you for the purpose of giving you an opportunity of making some further explanations with regard to the valuations made by the Church Commissioners. It has been stated by Mr. McDonnell and Mr. Benec Jones, and one or two other witnesses, that the land sold by the Church Commissioners have been valued at a low rate; will you state to the Committee any explanations which you have to make upon that point?—I have seen Mr. McDonnell's evidence, and Mr. Benec Jones in the newspapers; Mr. McDonnell, as I understand, stated that three reasons made him think that the lands had been sold low; the first was, that the first year the Commission sold land to the public, they sold it a trifle higher than the rate at which they had offered it to the tenants; the second was, that the Commission estimated, or he estimated, that 800 tenants had assigned their right of pre-emption to other parties; and the third was, that many tenants had borrowed all the money they paid down. The rates which the Commissioners have realised for their property can only be compared with the sales in the Landed Estates Court of land, which is subject only to a quit and tithe rent-charge, and not subject to jointures and annuities. A return has been published by the Landed Estates Court lately, giving the rates which such lands realised for the two years ending 1876. The Commission also got a return from the Landed Estates Court, when they were commencing their sales for the two years previous to the 1st of May 1871. The average rate for such lands for two years previous to 1871 was 21½th years' purchase; the average rate for the two years ending 1st October 1876, was 22·28 years' purchase; the prices which the Commission have realised for the lands which they have sold to tenants has been 22½ years' purchase, that is to say, in excess of both those rates, and therefore it appears to me that the Commission have obtained a higher price for their glebe lands than the Landed Estates Court have obtained. The return of the Commission which shows that price does not include any land in occupation, but merely land held by tenants, whereas any such lands sold with possession would have been included in the returns of the Landed Estates Court. The Commissioners' instructions with regard to this land to their valuers were to the effect that it was the first duty of the Commission to realise the full value of the property, and therefore their instructions to me and others who valued the land were to bear that in mind, and to go rather high than low; because an opportunity was given afterwards to tenants to purchase when the lands were put up to public competition.

4385. That instruction was given you before you went down to value the land?—Yes; that

Chairman—continued.

was the principle to be borne in mind, that the duty of the Commission was to realise the full market value of the property, and for these reasons, the prices which have been realised by the Commission are slightly in excess of the prices returned by the Landed Estates Court for the two periods I have mentioned.

4386. Has it been the practice of the Commissioners in revising your valuations to keep that principle in mind, that is to say, to keep the values high rather than low, because the tenants will have another opportunity of buying?—I think the Commissioners wished to realise the full value of the property.

4387. Has Lord Monck himself told you that that was the principle which guided them?—Yes, a great part of the land was ordered for sale personally by Lord Monck.

4388. Has he desired you to say to the Committee that that was the principle he has followed?—Lord Monck has desired me to say that; that was his instruction to me at the beginning of the valuation, and that is what I have gathered from him all along; and the prices which the Commissioners have obtained show that, while at the same time they instructed me that the tenant-right interest was not to be encroached upon, and if it were evident that a tenant had improved his farm he was not to be made to pay over again for that improvement.

4389. Then it has been alleged that although the price realised by the Commission has been perhaps slightly in advance of the price realised in the Landed Estates Court, yet that the rental in the one case was, perhaps, below the average value of the land?—The figures given by the Church Commissioners show that the average rent paid by the tenants was 12 l. a year, and that, therefore, the average farmers were much smaller than on ordinary private estates. It is also my experience that the glebe lands are generally higher let than those on the large and liberally managed estates; decidedly higher rented; and very naturally so, for the reason, as Mr. Vernon has explained, that the clergy were usually needy men; they were also tenants for life, and there was no family tie between the successive life owners; therefore it was very likely that these estates would not be well managed. In fact it was not an uncommon thing for a clergyman on coming into the glebe to raise the rents. The tenants had not such a security on the glebe lands as to induce them to improve the land; and consequently the whole state of the Church property was inferior to that of the large estates.

4390. Are you able to compare the rental of any particular estates sold under the Landed Estates Court with those sold under the Church Commissioners, so as to take that point into consideration

Chairman—continued.

consideration as well as the price?—Taking this return published by the Landed Estates Court for the two years ending 1876, and looking at the principal estates in it, it appears to me that there is no foundation whatever for Mr. McDonnell's statement. The first estate that appears in the return happens to be an estate of the Church Commissioners, but it illustrates what I say very well, because in that case the Commission offered the estate of the Vicars Choral of Armagh for 25 years' purchase to the tenants, and it was sold in the Landed Estates Court for 20·8 years' purchase.

4391. Had that portion of it sold in the Landed Estates Court been at all deteriorated by its being a residue?—It had not, in my opinion, because it was sold in several detached lots, and though the lots were small, not more than 100 l. a year rental each, yet they were not detached and broken up or honeycombed.

*The O'Connor Don.*

4392. Were they bought all by one purchaser?—Yes; they were all bought by one purchaser.

Chairman.

4393. Therefore you think that gives a fair test of the value which the property realised in the Landed Estates Court, as compared with the price at which you offered it to the tenants?—It is not quite a fair test, because if the Commission had chosen to retain it, they might have realised a better price; but there were no bidders at first, and, I suppose, the Commission having put it up to auction twice, concluded that they were bound

Chairman—continued.

to take the offer made, though subsequently larger offers were made.

4394. At all events that would not show that it was offered to the public, or to the tenants, below its value?—It would seem to show that it was offered too high, but I do not think it was.

*The O'Connor Don.*

4395. That was, in fact, a residue, was it not?—Yes.

4396. What was the price paid by the tenants for the portion which they did purchase?—Twenty-five years' purchase.

Chairman.

4397. The residue being sold to the public at 20 years' purchase?—Yes.

4398. The residue was not so honeycombed as to make it objectionable?—No, it was in several detached bits, but as it was put up in several lots each lying together, I consider it was not at all an undesirable purchase.

Colonel Taylor.

4399. You stated that the Church property was, as a rule, inferior in cultivation; was this property inferior in cultivation?—No, it was not.

Chairman.

4400. Do you produce a detailed account of the four cases of lands sold for the Church Commissioners in the Landed Estates Court which you mentioned when you last gave your evidence?—I do. (*The same was handed in.*)

Mr.  
O'Brien.  
—  
4 April  
1878.

Monday, 8th April 1878.

MEMBERS PRESENT:

Mr. Bruen.  
Mr. Chaine.  
Viscount Crickston.  
Mr. Errington.  
Mr. Shaw Lefevre.  
Sir John Leslie.  
Sir Joseph McKenna.

Mr. Meldon.  
Major Nelson.  
The O'Connor Den.  
Mr. Phunkett.  
Colonel Taylor.  
Mr. Varner.  
Mr. Wilson.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

Mr. MURROUGH O'BRIEN, called in; and further Examined.

Mr. O'Brien.

Chairman.

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4401. WHEN you were last before the Committee, I was on the point of asking you to give some cases of sales by the Landed Estates Court and by the Church Commissioners, with the object of comparing the prices obtained, and the rentals; will you now be good enough to give any such instances to the Committee?—Taking the last return issued by the Landed Estates Court for the sales for one year previous to October 1874—I have already referred to the estate of Vicars Choral of Armagh—but taking the estates that follow that in the Return, five in number, they were sold at very low rates, therefore I do not compare any of them.

Mr. Varner.

4402. What is the specific case which you are referring to?—I am comparing the general rates at which the Church Commissioners sold their lands with those realised by lands of similar nature sold in the Landed Estates Court; that is to say, lands not subject to jointures or annuities, but subject only to quit and title rent-charge. Comparing the prices in gross, the prices realised by the Commissioners are slightly in excess of the averages, shown by the returns at two different intervals, as being realised for the lands sold by the Landed Estates Court. I speak principally of Ulster, because the greater part of the Commissioners' properties lay in Ulster. Where I can do so, I have taken estates lying in the same parish or district. For example, taking the estates of Sankey, which were situated in the Parish of Killeghannoran, in the county of Londonderry, in which parish the Commissioners also sold some property, the net rental was under the Government valuation, and it sold for 18½ years' purchase. The Commissioners' glebe in that parish, which was let at the Government valuation, that is to say, slightly higher than Sankey's estate, sold for 28 years' purchase. The Earl of Dartrey's estate, a very good sample of a well and liberally-managed estate in the north of Ireland, was sold in several lots, and realised 22½ years' purchase, on the whole, for 12 lots. As against that, the Com-

Mr. Varner—continued.

missioners sold a large glebe, one of the largest glebes in that district, the glebe of Clones parish, for 24 and 25 years' purchase.

Mr. Phunkett.

4403. What was the size of that glebe?—Eleven hundred acres.

Chairman.

4404. How did the two rentals compare with the Government valuation?—Upon the Dartrey estate the Government valuation was 1,013 £, the net rental being 836 £.

4405. Therefore that rental was rather under the Government valuation?—The rental was under the Government valuation. The glebe land of Clones was sold for 24 or 25 years' purchase, a somewhat higher rate than Lord Dartrey's, that being attributable to one lot being nearer the town, which the Commissioners got a good price for; the rest the Commissioners sold for 24 years' purchase. That compares fairly with Lord Dartrey's estate, inasmuch as there were several town lands spread over the whole country, at considerable distance from each other.

4406. What was the rental in that case as compared with the Government valuation?—The Government valuation was 638 £, and the net 787 £.

4407. Therefore in that case the glebe was let at above the Government valuation, and fetched a higher price relatively to Lord Dartrey's estate, which was let at under the Government valuation?—Precisely so.

4408. Can you give the Committee any other illustration?—Yes. Taking the other estates in Ulster, I find the Caulfield estate is an instance of the property which sold at a very high price in the Landed Estates Court, the rate of purchase there being 29.9 years; but that estate was let at 30 per cent. under the Government valuation, and therefore it is quite plain that it should have sold for a high price.

4409. Take



Chairman—continued.

4408. Take Lord Wicklow's property in Donagh, sold in the next year?—In the next year, a large estate in Ulster, Lord Wicklow's property, sold for 25 years; it was put up in several lots, and the rates ranged from 24 to 40 years' purchase. The Government valuation of the different lots in some cases was below the rental, and in other cases the valuation was above the rental. The Commissioners had a property in the same district very similarly circumstanced, inasmuch as it was let low, like a great part of this estate; it was in the parish of Ramoghy; they offered that to the tenants at 25 years' purchase, and the greater part of it was sold, being bought by the tenants.

4410. Then comparing these two properties, you say the Church Commissioners obtained rather a better price relatively to the rental?—It is impossible to find estates which can be exactly compared, but as far as I can compare them with estates belonging to wealthy men, and liberally managed, it appears that the Commissioners have obtained a full price for their property.

4411. Take Lord Gosford's property for example?—Taking Lord Gosford's estate, the lots which were sold to tenants were sold at 25 years' purchase, and the lots which were sold to outsiders were sold at 20 years' purchase; and some of the land has not been sold. It has been stated in evidence that where lands are sold to tenants, they usually give two or three years more purchase than the public. The Church Commissioners had some glebe adjoining that, and in my opinion let rather higher than Lord Gosford's, and occupied by a very poor class of tenants, very few of whom bought. The glebe was offered at 22 and 23 years' purchase; that was part of the glebe of Killeshamm.

4412. Did you hear the evidence of Professor Baldwin, to the effect that the Church Commissioners' property was generally rather under-let than overlet?—Yes; I asked Professor Baldwin what lands he referred to, and he told me that he referred to the See lands of Limerick. But a wrong impression is produced in the minds of many people in the position of Professor Baldwin, who would be purchasers of these lands from the tenants. Professor Baldwin told me that he was negotiating to buy some of these lands which had been sold to the tenants on the Limerick See estate. In that case he is buying the fee, he is buying the tenant's possessory interest, and he is buying the tenant's improvements, and therefore it is natural that a tenant should ask a much higher price. On one of these farms to which he refers on the Limerick See, the rent of which was 50*l.*, the tenant had within some recent time put up buildings which had cost 500*l.*, and of course, in selling a farm of that kind, the tenant would expect to be paid for the improvements as well as the fee; in this case he had very much improved the fee.

4413. Professor Baldwin did not give the Committee any special cases; I neglected to ask him to do so, but he gave his opinion generally, and you asked him his opinion afterwards, as I understood?—Yes, I wished to know what lands he referred to, because I would have liked to give an explanation if he had mentioned any other parts, but as he mentioned the Limerick See estates, I thought I might explain that circumstance.

O.51.

Chairman—continued.

4414. No special case was mentioned by him to the Committee; are you prepared to meet any special case, provided it were named to the Committee?—Yes, if it be within my knowledge.

4415. Has Professor Baldwin specified to you this particular case of the Limerick See?—He mentioned the See of Limerick, and in that case I should like to explain that the Commissioners got a good price for the land.

4416. Could you state to the Committee any experience which the Commissioners have had themselves of the sales of land in hand?—The Commissioners have had sundry lots of land in hand for sale from time to time, being parts of the manorial glebes which were not vested with the houses in the Church body; and comparing the prices they have obtained for them, some by auction, and some offered on a valuation to the clergyman, it appears to me that the price of land in hand is always very much higher as shown by those cases than of land in occupation of tenants. Comparing it with the average price of tenanted land, I should do that in this way; if you take the average rental to be 25 per cent. over the Government valuation, which would be a high rent, 24 times the rent, would be 30 times the Government valuation; that is to say, if you take a valuation of 8*l.*, a rent of 25 per cent. over that would be 10*l.*, and 24 times the rent of 10*l.* would be 240 times the valuation of 8*l.*; therefore reducing all land to the common value of the Government valuation, I take 30 times the Government valuation to be the full average price for tenanted land, that is to say, land sold subject to the tenant's interest. The lots the Commissioners have had to sell were generally lots without any improvements in the way of buildings, being the outskirts of the glebes. The Commissioners sold several lots in the months of December and January, chiefly by auction, and the prices they obtained for them were 45, 50, 55, 40, 70, 42, 60, 54, and 56 times the Government valuation.

4417. The result of the experience of the Commissioners is that land in hand fetches a very high price relatively to land in occupation?—It fetches a very much higher price.

The O'Connor Don.

4418. Were these lands which you have referred to sold by public auction to the highest bidder?—They were.

Mr. Brown.

4419. Where did those instances occur which you mentioned?—They were scattered all over Ireland.

Chairman.

4420. What sized properties were they?—They ranged from 115 acres down to 3 acres, but the 115 was quite exceptional; none of the others were more than 50 or 40 acres.

4421. Would you say averaging generally about 30 or 40 acres?—No; averaging generally about 15 or 20 acres.

4422. Have cases come to your knowledge in which tenants who have bought from you, have subsequently sold the fee of the lands they bought?—A few such cases have come under my observation. Of course only a few of the tenants are likely to have sold who have purchased from the Commissioners; but in the cases where they

have,

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Chairman—continued.

have, they have obtained a very much higher price than they gave; and it appears that the consolidation of the two interests, that is to say, the fee and the tenant's interest, are generally worth more when consolidated than when the two are sold separately.

4423. That accounts for the very great price given for land in hand?—It also arises from the fact that there are so very few freeholds in the market. When a tenant having purchased the fee of his farm, puts it up for sale, it is one of the most desirable things that can be brought into the market in that way.

4424. The case was mentioned to this Committee of the sale of the glebe of Raymuntersdoon, belonging to a landowner in Donegal; can you give any information about that case?—The glebe of Raymuntersdoon is situated in the north of Donegal; it is, I suppose, 30 or 40 miles from a railway station, and in a very remote and exceedingly poor district; it was one of the poorest glebes which the Commissioners had to deal with. That and the one mentioned by Mr. Olpherts were so exceptionally poor, that the Commissioners did not offer the land to the tenants a second time; few tenants bought on the first offer, and the Commissioners thought that owing to the exceptional poverty of the occupants, they would not offer it a second time. On the Raymuntersdoon glebe, I believe eight tenants bought; and on the Killybegs property, I believe only one tenant bought.

4425. The tenants there were exceptionally poor?—The tenants were exceptionally poor there.

4426. It was represented by Mr. Olpherts that a quarrel had ensued between the tenants who had bought, and the purchaser of the remainder of the glebe; do you know anything about that quarrel?—I had to inquire into the circumstances, because both the tenants and the purchaser of the residue of the glebe had wrote to the Commissioners about it. The tenants held along with their farms some land in common; there was a tract of moor and bog, upon which the tenants had the right of cutting turf; this part of the moor they held in common with others, and this was sold to them. The purchaser of the glebe wished to confine them to one particular part, their right having been previously unrestricted, and out of that arose the misunderstanding. I think it could hardly be called a quarrel.

The Committee-room was cleared.

After a short time the Witness was re-admitted.

4427. From inquiries you have made, and from your knowledge of the tenants, do you think there is ground for the suggestion that the tenants who have bought their portion of the glebe are dissatisfied with their purchase, and are anxious to re-sell?—I do not find that the tenants are at all dissatisfied with their purchase. I think, on the contrary, they are very much pleased with it.

4428. Will you state to the Committee what number of sales were effected by the Church Commissioners in each year?—The sale in each year, or in broken periods of years, were in 1871-72, 580; in 1873-74, there were 1,760; in 1875, there were 1,470; in 1876, there were 1,730; and in 1877, there were 1,710.

Chairman—continued.

4429. How many of those sales were there effected for cash?—The number of sales for cash was 2,376.

4430. And upon simple mortgages?—The simple mortgages were 1,416, and the instalment mortgages were 1,490.

4431. What number of cases were there of sales under 50 l.?—The sales under 50 l. were 1,040.

4432. A certain number of those were merely small houses, I suppose, without any land?—Yes; I could not give the number, but they comprised houses which were sold for small amounts, as well as agricultural holdings of one or a few acres.

4433. I suppose a considerable proportion of them were very small agricultural holdings?—Yes, a large part of them.

4434. The Commissioners laid down the rule that in sales under 100 l. they would only advance the half by way of mortgage, and that under 50 l. they would make no advance at all; was not that so?—That was the rule.

4435. Do you know upon what ground that rule was laid down?—I believe it was thought inconvenient to make mortgages for small amounts, but I do not think I could give the Commissioners' reasons, for I had nothing to do with them.

4436. Has that rule operated to prevent the purchase of a considerable number of small holdings?—The holdings which were offered under 100 l. belonged, generally speaking, to a class who are much poorer than the others, and generally it would have been hard for them to buy under any circumstances; but I am sure the rule has prevented a considerable number of small holdings from being bought.

4437. And but for that rule, therefore, a considerable number of other holdings would have been sold to tenants?—I have no doubt there would.

4438. Do you think that the residues which have been sold to outsiders have consisted to a large extent of the smaller description?—I do not think I could give the Committee any figures upon that point, but I know that a considerable number of holdings for which the tenants would have had to pay under 100 l. have been sold as residues.

4439. There is only one other question which I wish to ask you, and that is, what would be the surplus of the Church Commissioners at the expiration of their term of service. I think it has been already stated in their Report that there will be a surplus?—The Commissioners' estimate was that after paying the interest of the debt at the end of the commission in 1879, an annual income of 374,000 l. would remain; that is to say, in excess of the amount required to pay the interest on the debt which would then exist.

4440. And what did they value the actual residue at at the expiration of their term?—The Commissioners made two different estimates. The revenue in 1879 capitalised they estimated as being worth 12,493,000 l.

4441. At the end of what year?—That is taking the revenue which they estimate would be coming into them annually in 1879, and capitalising it.

4441\*. But then there is a charge upon that of six and a half millions?—Yes.

4442. Therefore

*Chairman*—continued.

4442. Therefore the net value of their property at the expiration of their term of service would be about 6,000,000 £?—Yes.

*Sir Joseph McKenna*.

4443. Would there not be a surplus of 347,000 £ per annum after calculating the interest that would be paid upon the existing debt?—Estimating the interest upon the debt, which would be payable out of the annual income, there would be a balance of 374,000 £.

4444. I think you put down the balance as about 4,000,000 £; but if the 374,000 £ per annum were valued at 25 years' purchase, it would amount to a great deal more, would it not?—The Church Commissioners have not estimated it at 25 years' purchase, for this reason: that a very large part of it would consist of tithe rent-charge, which they have only taken at the statutory rate of 22½ years' purchase.

4445. Is the 374,000 £ that which would remain entirely income in perpetuity?—I do not know that I could give you the exact figures about that; they have given estimates; a great part of the property was sold upon terminable annuities, some of which would run to 50 years from the present time; some of the tithe rent-charge is only now being converted, and the estimate of the Commissioners is partly calculated on terminable annuities and partly on unconverted tithe rent-charge payable for ever.

*The O'Connor Don*.

4446. I understand that you have seen and valued nearly the whole of the glen land of Ireland?—A very great part of it. I do not say nearly the whole, but I have done the principal part of the valuing.

4447. When you proceeded to value the land, what data were given to you?—The only data which the Commissioners had to commence operations with were the list of names, the rents payable by the tenants, and the lands out of which they were payable. For the purpose of making a valuation, the first thing I did was to provide myself with a copy of the Ordnance map, showing the tenements as they exist in the valuation books; the next thing was to see whether those corresponded, or not, with the actual; it generally turned out that they did not, because a revision is not made every year; in fact, the revision is only made when the attention of the revisers is called to the matter, therefore they were generally not correct. Having made the map correct by personal inspection, I then was able, having gone over all the lands for the purpose of correcting the boundaries, to put a valuation upon them.

4448. Then, in fact, you had to perform a sort of survey of the lands?—I will not call it a survey, because it did not consist in actual measurements, but I had to make an actual revision of the tenements, as shown upon the map; in some cases it involved a slight amount of measurement, but generally where the Ordnance maps are in an advanced state it is unnecessary to measure for the purpose.

4449. But generally you ascertain the amount of land which is contained in each holding?—Certainly; I could not have made the valuation otherwise.

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*The O'Connor Don*—continued.

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4450. I presume you also ascertained what the tenement valuation was in each case?—I had in most cases, but in some cases I had not, because sometimes the amount apportioned out upon the townland was not divided out in tenements. We have had frequently townlands the whole of which was apportioned as one lot, but might have 30 or 40 tenants upon it. Still, as a general rule, the tenement valuation was there, and was referred to.

4451. Did you arrive at your valuation simply from your own inspection of the land, and from this information given you as to the tenement valuation, or did you ascertain in any way from the tenants what they considered to be the valuation of the land?—No; I should explain that the Commissioners were not able to avail themselves of what persons usually do who are selling in the market; they could not feel their way. Their duty was under the Act to fix a price, and in the ordinary way, when a man would say, "I will take 1,000 £," he would be offered 800 £, and probably would take 900 £. In fact, the Commissioners could not avail themselves of the opportunity of the "bidding of the markets," as economists term it; but it was able to inform itself of the rates for money, and to compare prices in other markets. Land should not, of course, vary in price with the rates for money; all these things the Commissioners looked to.

4452. But the Commissioners settled the price quite independently of any opinion which the tenant might entertain regarding the price?—It was quite open to the tenants to make any representations they chose to the Commissioners by letter, but the price fixed in the first instance by the Commissioner was, of course, without any regard to the tenants' ideas on the subject.

4453. Did you inform the tenants at all what price you would fix when you went down to inspect the lands?—No, because it was for the Commissioners to fix the price; but in order to prepare the tenants, I informed them at what rates the Commissioners generally had sold lands similar to theirs, and also gave them illustrations of the mode of borrowing the amount which the Commissioners were empowered to lend them, but in no case was I authorised, nor could the Commissioners inform them beforehand, what the terms would be until they served them with the notice.

4454. Are you aware whether in any, or if so, whether in many, cases the tenants remonstrated against the price fixed by the Commissioners?—Yes, there have been a number of remonstrances, but objections on the part of sellers are as commonly met with as objections on the part of the buyers; it is quite as common a thing to hear that the price is too little as that it is too much.

4455. Did the Commissioners adhere to the price they once laid down?—With very few exceptions the Commissioners adhered to the price laid down.

4456. I perceive in the last Report of the Church Commissioners that 5,243 tenants purchased their holdings; I presume those were 5,243 separate individuals?—In round numbers you may say they were, because in some cases there have been tenants who held two and sometimes three holdings from the Commissioners, but against that are to be set cases in which

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one rent was paid, and yet the farm was really held by two and sometimes by three tenants. I will give the Committee an instance which will explain what I mean. A witness who was examined before this Committee from the county Cavan, Andrew Duggan, bought a farm from the Church Commissioners, which in reality was occupied by both himself and his brother; they had it divided between them, and although it appeared upon the Commissioners' book as one farm, it was really two farms.

4457. At all events, in round numbers, we may take the figure as representing 5,243 different persons?—Yes, quite so.

4458. Now, if you turn over the page of the Report, it states that 1,006 holdings were sold to the public; I presume that does not mean that there were 1,006 purchasers?—Certainly not. I thought the number of purchasers had been given; those are what they sold as residues.

4459. Could you give the Committee any idea of what the number of purchasers in that case was?—I am afraid I could not.

4460. Could you not approximately?—I have not the materials here to do so.

*Sir Joseph McKenna.*

4461. I think it could be made out in this manner; the holdings which were sold for cash were 3,276, under mortgage instalments 1,416, and under simple mortgages 1,418, which make 6,110 holdings disposed of after that fashion for cash, mortgages, and so on; the number of sales only amounts to 5,210, as I take it from you?—The number that I have given you in sales must only be taken as a round number; I have not ascertained it accurately. The Commissioners' books are changing every year, owing in some cases to the consolidation, and in some cases to the division of what appears on the rental as all one farm; therefore the number I am giving you is only to be taken as approximately about the number.

*The O'Connor Don.*

4462. My point is quite different from Sir Joseph McKenna's; I want to know how many purchasers bought those 1,006 holdings?—I could not give you the number; those lands sold to the public were sold in lots of one and up to 20 and 30 holdings.

4463. Do you think there were 500 of them?—I do not think there would have been so many. The returns giving the names of the tenants or purchasers refer to all classes of the Commissioners' property, such as chief rents, perpetuity rents, and renewable leaseholds; whereas the figures which I have been giving you deal only with what we call "yearly or other tenures," that is to say, tenure from year to year, and at or near the end of leases which were terminable.

4464. Then these returns ought to contain a very great number more of purchasers than the number of tenant purchasers?—Yes, a number of the names of those who appear on the return are not tenants; they are people in the position of landlords and perpetuity rent payers.

4465. Would you say that, taking this late return which is attached to the Report of the Commissioners, it is in continuation of the one which was furnished to the House of Lords?—It is.

4466. And that it contains exactly the same information with regard to subsequent sales as the

*The O'Connor Don—continued.*

one furnished to the House of Lords did with regard to the first sales?—The return includes a different class of sales, because at the time the first paper was issued, very few sales had been made of yearly and other tenures to the public, and therefore when you see in the notes to the second part of the return "this sale includes 5 holdings," and "this sale includes 10," it indicates that it was a sale to the public, and not to the tenants.

4467. But the two returns together include all the sales which have been made from the first sale up to the last day of last year?—Yes, they do.

4468. I have added together the number of purchasers in these two returns, and they amount to only 5,359; can you explain how it is that there could be 5,243 tenant purchasers, when the total number of purchasers of every sort and description is only 5,359?—I could not explain that; I do not quite understand what you mean when you say you have added together the number of purchasers. You have taken, I will say, Mr. Varner's purchases of several holdings as one, I suppose.

4469. I have taken the names of different persons in the two returns, and if I be right, they make out, putting the two returns together, 5,359?—I am not able to give you an explanation of that, because my figures are taken from the Church Commissioners' Report, and I have not added together the names as you say you have done.

4470. Taking that calculation as substantially accurate, does not it show an extraordinary result, namely, that there are only 116 purchasers who are not tenants?—I do not feel competent to explain the difference.

4471. Does not the first return include all the sales made in the Landed Estates Court?—No, it includes very few of them; there had been very few sales in the Landed Estates Court up to the 29th of June 1876.

4472. But the return includes all the land that was sold up to June 1876?—Yes, certainly; but I think there were only two estates which appeared in that return.

4473. It would not be a difficult matter, I suppose, for the Commission to supply the names of the tenants, as distinguished from the names of the outside public?—There would be no difficulty in their doing that, I fancy; of course I am not competent to speak for the Commission, but from what I know of them, I do not think there would be any difficulty in distinguishing those who have bought as the public from the others; but there would be a difficulty in giving a correct return of cases in which tenants have assigned their right of pre-emption; a rough estimate has been given both by myself and Mr. Godley of that, but it is not easy to get accurate information on that point, even when you come in actual contact with the persons.

4474. But it would be easy to give an accurate return where the sales are made directly to the public, would it not?—It could be given; I do not know whether easily or not.

4475. Were the sales which took place in the Landed Estates Court chiefly sales of residues?—No; there were a large number of estates put into the Court at the commencement of the Commission, probably 10 or 12 large estates. The difficulty of settling questions of rights of way and also of the change of the Commissioners' solicitor

*The O'Connor Don—continued.*

clear induced the Commission, with the consent of the Landed Estates Court, to withdraw a large number of these estates from the Court, and consequently there will only be a very few sales of the Commissioners' property in the Landed Estates Court.

4476. Were those that were sold exceptional as regards being undesirable property?—No; the Commissioners were authorised by the Act to sell through the Landed Estates Court, if they chose, and they put in some, I believe, as a trial, to see whether it would be a good way of disposing of the property, and they also put in some because of the rights of way and tithery which were questioned, which they thought were difficult for them to settle, and which they thought the Landed Estates Court would settle more easily.

4477. I understand that; but I am asking you whether the lands which were actually sold by the Commissioners in the Landed Estates Court were of an exceptional character, or whether they were very much the same as the estates they sold themselves?—I should say that they represent the average.

4478. The rents were not lower or higher on the average than of the estates which the Commissioners sold themselves?—As well as I can call those estates to mind, I think they were a very fair sample of the Commissioners' property.

4479. I do not know whether you stated that those properties sold at a lesser price than property sold in the Landed Estates Court?—There has been no separate estimate made of the property that has been sold in the Landed Estates Court, but I should say that those properties sold at about the same price as the average price which has been stated. The properties put into the Landed Estates Court did not include the best part of the Commissioners' property, that is to say, the town parks; but they were very good average properties.

4480. Now, is the average price you have spoken of an average price arrived at by a calculation of the land sold all over Ireland?—Yes, of the land sold all over Ireland.

4481. Were not the prices which were fetched, calculated by years' purchase, extremely different in different parts of Ireland?—The prices were extremely different on different properties. For instance, the Commissioners have sold a holding as low as for one half-year's purchase, and they have also sold land in the occupation of a yearly tenant at as high a price as at least as 35 years' purchase; but the general price was, I may say, somewhat over 22 years' purchase of the rent.

4481\*. Will you refer to that part of the country with which I am best acquainted, namely, the west of Ireland. Taking for example the diocese of Elphin; referring to the Report of the Church Commissioners, the first sale mentioned there is 9 l. 18 s. 10 d.; that farm sold for 450 l.?—That is not included in the class of property I am speaking of; that must have been a renewable leasehold, and therefore is not included in the figure I have been referring to.

4482. You did not take into calculation the renewable leaseholds?—No, I did not take into calculation the renewable leaseholds, but only yearly and other tenures, that is to say, lands in the occupation of yearly tenants, or held by terminable leases, and not leases which were cus-

tomarily renewable. There is no doubt about it, that that case you are referring to is a renewable lease.

4483. Will you refer to the next sale to that, the second one, the price of which is about 30 years' purchase?—I see the next one; I am not acquainted with that particular plot, but I know that nearly all the property in Elphin was held by renewable leases, very little of it was held by yearly tenure.

4484. Then it would be necessary towards understanding this return properly, that the land held under leases renewable for ever should be distinguished from the other, would it not?—Certainly.

4485. The heading of this return is, "Schedule of Sales from Yearly and other Tenures"?—The heading, I should say, was wrong; perhaps I may say that the return as asked for by the late Lord Leitrim included all purchases, and this being a continuation of the return as ordered by Lord Leitrim, should, I fancy, not have been headed "Yearly and other Tenures."

4486. Therefore we understand that when you speak of 25 years' purchase of land, you allude only to the years' purchase of land which was held by tenants from year to year?—Or upon terminable leases generally made at about the full value, or what was the full value 20 or 30 years ago, when they were made.

4487. What was the amount of the purchase-money lent to purchasers who were not tenants?—I have not yet the Commissioners' rules before me, but the amount lent by the Commissioners to the public was not as large as what was lent to the tenant purchasers, and the time in which the amount was made repayable was much shorter.

4488. Did the Commissioners lend the money at the same rate of interest?—Yes, they lent it at the same rate of interest, but repayable in a shorter period, and they did not lend them any money, as they did to tenants, on simple mortgage.

4489. What do you mean by that?—Interest only being payable, and no instalments.

4490. Do you know what has taken place with regard to the tenants upon those residences; have they as a rule been left in possession of their lands?—I do not know of any tenant having been dispossessed.

4491. Have the rents been altered?—I do not know about that, but I have not heard of their rents being altered, nor do I think it is likely that they could have been altered without coming before the public in some way or other.

*Mr. Brown.*

4492. In a recent answer which you gave you made use of this remark: "cases in which the lands were let at a rent were let at a rent which was the full value 20 or 30 years ago"?—Which was the full value, or about the full value, 20 or 30 years ago when the leases were made." I am referring to cases where leases were made for the time customary of 99 or 999 years, which was generally 21 years, but in some cases they might have been granted 40 years.

4493. What proportion did that rent bear to the Government valuation?—I could not give you any general answer, because I do not think that one answer would apply to all cases, seeing that they vary very much.

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4494. But

*Mr. O'Brien.*8 April  
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Mr. O'Brien.

Mr. Bruce—continued.

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4494. But 20 or 30 years ago the Government valuation was comparatively a new valuation, was it not?—I think some of the present valuations were made more than 20 or 30 years ago; some of it was made as recently as 1852.

4495. You mentioned, in answer to the honourable Chairman, some cases in which very high prices were obtained as compared with the valuation: might I ask you to refer to them, and give me one or two instances which you said had occurred in different parts of Ireland?—The cases I referred to were of lands sold with possession; they were parts of what were called the manor lands, which had not been vested with the houses in the Church body; and therefore the Commissioners were selling them with possession. The first case I referred to was land adjoining Burr; 12 acres were sold for 46 times the Government valuation.

4496. Were there no buildings on that?—No, there were no buildings in any of those cases; they were the outskirts of the clergyman's little domain; 10 acres, or whatever was considered convenient for the enjoyment of the house, was vested with the house, and therefore these lands were the residues of those domains.

4497. Will you give the Committee one or two more instances of that kind?—The Rathangan glebe consisted of two plots of land, one of 20 acres, and one of seven acres; and they both sold for 60 times the Government valuation; another was Ballymore, in Westmeath, which was 16½ acres, and sold at 55 times the Government valuation; another case, Canwall, in the diocese of Raphoe, which consisted of 15 acres, and that sold for 42 times the Government valuation.

4498. Those properties were not let at a rent; they were occupied by the clergyman?—They were sold as unoccupied land, with the right of possession to the purchasers.

4499. So that there was no means of comparing the letting value with the Government valuation?—There was a means of course, namely, by employing a valuer, who would give an estimate.

4500. That would be your own estimate?—Some of those lands I visited, and some I did not; there was no occasion to make a valuation of them, because they were put up for public sale.

4501. Were they generally sold to the person who had occupied them previously?—I cannot say who bought them.

4502. Is it not within your knowledge that the lands were sold very frequently to persons who represented the disestablished Church?—In the cases I have referred to I do not think so; I heard it said that Rathangan was bought by the Duke of Leinster; it lay in the middle of his property, and was not near the clergyman's residence, and therefore there was no likelihood of the clergyman buying it; that glebe, as I mentioned, was sold at 60 years' purchase of the Government valuation.

4503. That was the case in which there were two lots, one of 20 acres and the others of seven acres?—Yes.

4504. What was the Government valuation of those two plots?—I could not give you the Government valuation.

4505. I think you are employed by the Commissioners to estimate the value of most of those plots which are sold?—A great many of them are valued and offered to the incumbent, and in

Mr. Bruce—continued.

those cases the Commissioners have the estimate made beforehand.

4506. Do you generally make out the estimates?—I have made a great many of these.

4507. And in the case of land sold to tenants, do you make an estimate to assist the Commissioners there?—Most of my business has been the valuing of lands which have been held by tenants.

4508. When you made your valuation, do you examine the qualities of the soil?—Certainly.

4509. You make your valuation in the same way as the officers of the Government make their valuation?—It is so long ago since the officers of the Government Office made a valuation, that I do not know how they do it.

4510. They revise it, I believe?—But they do not alter the valuation, they only alter the distribution.

4511. When you make your estimates, do you examine the soils in different parts of the place to be sold, and do you compare the apparent value of the farm with the rent; in the first place, do you know what the rent is generally?—Certainly, I always have the rent, and I consider it is a very important point of the valuation, because if you are selling subject to the rent, a low rent might be raised, and you are selling in a public market, the difficulty would be to raise the rent. The usual course, if a man thinks a property will sell better, is, first, to raise the rent, and then sell the property. I think the rent and the tenant-right are two important items, which should be taken into consideration in making the valuation, because the purchaser should be made aware of what the tenant's claims were when he was going to purchase.

4512. In the first part of your examination you mentioned a case in the county of Kilkenny as one of your typical cases?—I did.

4513. Would you give the name of that property?—The land was called Osory Hill.

4514. In what part of Kilkenny was that?—It was about five miles east of Kilkenny, on the range of hills which form the eastern boundary of the valley in which Kilkenny lies.

4515. You do not know the name of the locality?—I gave the name of the parish; it was not the glebe belonging to the parish; it was part of the Osory Fee estate, and had been held by a middleman.

4516. You gave the Committee the different prices which had been paid by the occupiers for those lands; could you tell me what was the number of years' purchase on the rental for which those properties were sold?—I have not the figures before me, but I think I may say the price was about 18 years' purchase of the rental.

4517. Would that be the average of the different lots that were sold?—I think that was about the average of the different lots which were sold to the tenants.

4518. There were some lots which were not sold, were there not?—All the lots were sold to tenants except two or three farms, which are now on the Commissioners' hands.

4519. Were those farms offered to the tenants at 18 years' purchase?—Yes.

4520. And they refused to purchase them?—Yes; a good deal of the property was not purchased by the tenants in the first instance; but being offered a second time, after having been on the Commissioners' hands a considerable time,

Mr. Bracon—continued.

some of the tenants obtained the means to purchase. With regard to the price which the tenants paid, I should like to add that in estimating the sales of the Commissioners to tenants, with the sales in the Landed Estates Court, it should also be taken into consideration that every tenant when he bought from the Commissioners, paid, in addition to the purchase-money, his rent up to the day that he lodged his purchase-money, whereas a purchaser in the Landed Estates Court buys with his purchase-money the current gale of rent; therefore, in contrasting the prices that would make the prices obtained by the Church Commissioners rather higher than the average rate shown, as contrasted with those obtained in the Landed Estates Court.

Chairman.

4521. You mean where the rents were half a year or a year in arrear?—The purchaser in the Landed Estates Court would get the current gale when he purchased a lot in which there were several tenants holding; but the tenant purchaser, under the Commission, had to pay his rent up to the day the purchase-money was lodged, in addition to the purchase-money which he lodged.

Mr. Bracon.

4522. In the Kilkenny cases, can you tell how many years' purchase of the Government valuation the purchase was made at?—I have not the figures before me, but it was, as I said before, an exceedingly poorly circumstanced estate.

Sir Joseph M. Kenny.

4523. You have had great experience in the matter of sales by the Church Commissioners of these lands to tenants, and can you say whether they have, or have not, almost invariably improved in all cases, so far as you could ascertain, since their purchase?—As far as I have had the opportunity of seeing them, I think purchasing has had a very beneficial effect upon them; those who have had money have immediately begun to lay it out, and make improvements on their farms, which I think could hardly have been expected of them as yearly tenants. In many cases, undoubtedly, the price of the farm has put the tenant for the present in such difficulties that he is not in a position to make any substantial improvements such as would be at once observable, but I think it has had a very good effect upon them socially, and they are, as far as I have observed, very well satisfied with having become owners in fee instead of tenants from year to year.

4524. But notwithstanding the difficulties, more or less, which the purchases occasioned, on the whole have you found their circumstances improved?—Certainly.

Major Nolan.

4525. Did you hear Professor Baldwin's statement, that the Church tenants were generally in a very much better position to purchase than the ordinary average tenants in Ireland upon other estates?—I heard that statement.

4526. Does that agree with your information?—Certainly not; I think the figures I have given to the Committee show that the tenants, to begin with, on the Church properties were very much smaller than the average tenants in Ireland, and they also were, in my opinion, very much poorer.

Major Nolan—continued.

In saying that, I think I am only saying what I have said before.

4527. From your knowledge as a valuator, knowing the land, and having seen so much of it, do you think we might fairly conclude, from finding so many Church tenants purchasing, that there would be a large number of average tenants in Ireland able and willing to purchase, if they had the opportunity?—I think that all tenants would be anxious to purchase; but I quite agree with Professor Baldwin, that many small tenants have not the power or the capital to purchase. Looking at the matter from a purely agricultural point of view, I agree again with Professor Baldwin, that it is a very great injury to his farm to sell his stock, but, on the other hand, I think there are other advantages which he gains in the security of tenure, which entirely counterbalance that.

4528. In the Church Temporalities Commissioners' Report, I see that in the diocese of Tuam a great many of the lots went at over 100 years' purchase?—These were cases of renewable leases; they were not of the class of property which I have been laying before the Committee.

4529. I see, at page 44, that there were five holdings on a glebe in Mayo when it was sold; did the under-tenants get the offer to purchase their holdings?—The tenants in all cases had two offers to buy.

4530. Inisbeacon is a poor part of the country, is it not?—It is.

4531. On the next page there are two cases at Gallowpark, with two under-tenants in each case; did the under-tenants get the option to purchase?—I am not conversant with the particulars of those cases.

Sir John Leslie.

4532. With regard to the glebe proprietors, described by Mr. Olpherts, you say they were not dissatisfied with their purchases, and I want to connect that with a statement made by another witness, who said that in five years they would double the value of their holdings. Would you be of opinion that every one of those glebe proprietors should in five years double the value of his property?—I do not think that will be possible in every case; that is a very large and sudden increase to make on any land.

4533. Then we may infer that it was rather too extravagant a statement to make?—I do not think it is exactly an extravagant statement to make.

4534. Mr. Duggan made the statement that he himself was looking forward to doubling the value of his land in five years, and said he thought there was no doubt that every one who purchased would do the same?—I have no doubt that every one who purchased his holding would improve with much greater goodwill and energy as owner than he would as yearly tenant, but as to the exact time within which he would carry out his improvements I cannot speak.

4535. If it were possible to carry that improvement out as a universal system, it would prove that the rents had been considerably too low before, would it not?—I do not know that that would follow, but I am not prepared to substantiate Mr. Duggan's statement. Of course if land were let for ever, it would naturally fetch a much higher rent than if it were let from year to year, land

Mr. O'Brien.

8 April  
1870.

Mr. O'Brien.

Sir John Leslie—continued.

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1878.

land is naturally worth more if you let it for ever.

Mr. Errington.

4338. With regard to the sales in which the Commissioners obtained 40 years' purchase of the rental, could you state whether, in those cases, the valuation was very much below the rental?—There are very few cases in which the Commissioners obtained such very high prices: only one occurs to me at this moment, namely, where a small piece of land in Queen's County was sold for 35 years' purchase; in that case the land was let at about the Government valuation.

4337. But in the other cases which you mentioned the land was unoccupied, I suppose?—In several cases it was unoccupied land sold with possession.

4338. Are there any cases which you could give the Committee sufficiently similar in their circumstances of land in occupation, so that we may judge from the difference of price what is the actual value of the occupation?—I gave an illustration which I thought explained the matter as well as I could do it, and that is, if you take the average rent in Ireland as being 25 per cent. over the valuation, and the average price of land as being 24 years' purchase, in that case 24 times the rent would represent 30 times the Government valuation; therefore I may say that 30 times the Government valuation is about the average price of land in Ireland; but I do not look upon the Government valuation as being equal, or that you can draw any conclusion from the valuation in one place in relation to the letting value as contrasted with that in another part of Ireland.

4339. But to come to the extra value which unoccupied land will fetch?—I may say that I think the average value of tenanted land is about 30 years' purchase of the Government valuation, and in those particular cases, which were sold a short time ago, the Commissioners got from 40 to 70 times the Government valuation.

4340. According to that, if you take 30 years' purchase as being the value of unoccupied land, and 24 years' purchase as the value of occupied land, you would suppose six years to be the difference between the value of unoccupied land and occupied land?—I could not give anything more than a general average.

Mr. Fernald.

4341. I was not here when you were examined upon the last occasion, and, therefore, I did not know that you were about to bring up the case of the Vicars-Choral of Armagh again; does your answer to the Question 4330, put to you by the honourable Chairman, refer to the average of the sales of the whole of the Vicars-Choral of Armagh property when you say that 20-8 years' purchase was given for that property?—That answer refers to the sale of the residue only. I took the Vicars-Choral of Armagh estates, as it appeared first upon the return which I was referring to; it was the first estate, and therefore I referred to it.

4342. Do not you think that Lot 1 may be called the residue, considering that it was last sold, and that it was not one of the seven lots sold together?—Lot 1 was sold to a different purchaser, and that purchaser was the tenant.

Mr. Fernald—continued.

4343. Would you not consider that the residue meant the last lot sold?—I did not know that Lot 1 was sold last.

4344. When those seven lots were sold, Lot 1 had not been sold?—I was not aware of that.

4345. Have you, since you were last examined before this Committee, taken the trouble to ascertain the facts, and correct your former evidence about what you called the yearly rental of the residue?—I referred to the County Commissioners' return, and I found the purchase-money the same, but whatever inaccuracy there is, it can only be a trifling one, as affecting the year's purchase.

4346. It would not alter your estimate of the average, I suppose?—Only by an infinitesimal fraction; I referred to the purchase-money, thinking the error was there, but finding none, I could not find that there was any inaccuracy.

4347. Who makes out that return which was given in upon the motion of the honourable Member for Leicestershire?—The Landed Estates Court.

4348. But I suppose it was upon representation from the Church Commissioners?—No, because the sale was made through the Landed Estates Court; the Commissioners had nothing to do with this return; the same figures appear upon their return, but the two returns are made up independently.

4349. But it must have been made out from the figures supplied by the Church Commissioners?—No; wholly from the rental arrived at by the Landed Estates Court.

4350. The rental was altered at the time of the sale, was it not?—That I am not aware of; but I find that the two returns made up independently correspond.

4351. Then as you seem to know nothing about it, I suppose you are not really in a position to make the statement which you have done in answer to Question 4333?—I beg your pardon, I do not say that I know nothing about it; I examined into the facts, and any inaccuracy which there is there I am quite prepared to say, without looking into it, will only very slightly alter the rate of purchase; if it makes it 20½ or 21 it does not matter; I took the 20-8 from the figures that were before me.

4352. Have you worked yourself up in the matter since you were before the Committee on the last occasion?—I have referred to the Commissioners' return, and I found the purchase-money the same, and that being so I thought your question had no foundation.

4353. Then you did not ascertain whether I had good grounds for questioning you on that subject?—I think you have good grounds, because you are well acquainted with the facts of the case; but whatever the error is, it is only a trifling one, and does not affect the question materially.

4354. Then you have not ascertained that the rental of the seven lots sold together is incorrectly given in the Return asked for by the honourable Member for Leicestershire?—No.

4355. Do you know a man of the name of Deegan who gave evidence before this Committee?—Yes; he was a tenant under the Church Commissioners in Cavan.

4356. Do you think he was a good specimen of a purchaser from the Commission?—I think

he



Mr. Ferver—continued.

he is a very fair specimen of the Irish country farmer; he is an energetic improving man.

4557. Do you think that he, and the Commissioners, and their officials hold the same view with regard to this question?—I do not know; my acquaintance with him is very slight; I may say that I saw him for the first time about 15 days ago.

4558. Was that since he gave his evidence?—He was on his way over to give his evidence; it may be longer ago than that; but I had no acquaintance with him at the time of his purchase, nor till he was coming over to give evidence before this Committee.

4559. He stated that there were cases in which the peasant purchasers bought their farms with the intention of selling them again at a profit; are you aware whether that has been the case?—I am not aware of their having bought them with the intention of selling them at a profit; but I am quite aware of some having sold the whole fee with possession, at a very large increase over what they had given to the Church Commissioners.

Mr. Wilson.

4560. You stated on the last occasion that you were instructed to value the lands high; how did you estimate the value of tenant-right, which the tenant had in the lands in Ulster?—My business was not to make an estimate of the tenant-right; valuation, of course, is not an exact science; it is only an opinion based upon observations and experience; and my business was to acquaint myself with the value of money, and the value of land, and to observe other sales, and having an acquaintance with land, to be able to compare the Church Commissioners' properties with other properties, and to advise them as to the prices at which they should offer them to the tenants.

4561. You stated that the Commissioners instructed you not to encroach upon the tenant-right; will you inform the Committee how you avoided that in making your valuations?—As I say, valuation is not an exact science, and can only be a rough estimate, but on visiting estates where the land was all of the same quality, of course you notice some lands improve more than others. On some farms which have come under my notice, the tenants have spent the full value of the fee simple on buildings alone, and in those cases it would not have been right, and I did not take into consideration the value added by the buildings.

4562. You did not value the buildings at all, I take it?—Certainly not, if made by the tenants.

4563. Did you value any improvements made upon the land in the shape of drainage or buildings?—No; it is not of course easy to discern the improvements which affect the land only.

4564. You have mentioned the lands of Raymunderney; do you not know that there were quarrels there between the tenants?—From inquiries which I have made, I have not found that there were any quarrels; there was a misunderstanding owing to some question about commonage, but, I think, it hardly deserved to be called a quarrel. It arose as these misunderstandings often arise among yeoman tenants, as to the respective shares of commonage which had not been divided.

Q.51.

Mr. Wilson—continued.

4565. Do you know that there was a quarrel between the tenants upon the Clonleigh glebe?—I understand so; but such quarrels are of continual occurrence, as they are about boundaries.

4566. I believe in one case in the Clonleigh glebe, the Commissioners sold to a purchaser the tithary which the tenants had formerly enjoyed?—The Commissioners sold the lands subject to rights and easement, and in the course of defining those easements this matter arose.

4567. Do you know that the purchasers in the Landed Estates Court, under the Bright's Clauses, are obliged to pay interest up to the time they lodge the money?—I was referring to general rules of the Landed Estates Court, where the purchaser of any lot is entitled to the gale then current.

4568. But do not you know that under the Bright's Clauses the purchasers are obliged to pay the interest up to the day on which they lodge the money?—I understand that means interest from the last gale day; I am not aware of that.

4569. You stated that the clergy are in the habit of raising the rent; have you heard any instances of the clergy raising the rent more than other people?—I have remarked that glebe lands were generally let rather higher than is customary on other estates. I have also known tenants who told me that they began life with a rent perhaps of 50 s., and as each successive clergyman came in, their rent was raised until it amounted to 8 l. or 10 l.

4570. Have you ever heard of any litigation between the clergymen and their tenants?—I have.

4571. Was not it the policy of the clergy to keep them at fair rents?—I do not think it was their policy, and I do not see why it should have been; they were only life tenants, and had no connection with the property.

4572. Were not the people who were paying the rent members of their own congregations?—Not generally; I should say that the mass of the tenants of the Church property were not of the same persuasion as the owners, but I do not think that affects the question in the least, because I have found no difference between Catholics and Protestants as regards raising the rent.

Chairman.

4573. You told us, when you last gave evidence, that the tenant-right upon Church property averaged, as a rule, about 18 years' purchase?—I noted a number of cases, and in the average of those cases, between 40 and 100 of which came under my notice from time to time, the average rate was 18 or 19 years' purchase.

4574. It was mentioned to the Committee by Mr. O'Connell, that in his part of Donegal the tenant-right amounted to over 40 years' purchase of the rental; are you surprised at the statement?—I think it is unusual, when tenant-right fetches such a very high price; but I think that the examination of any particular case explains this matter; very often a high price is given on a small piece of land on account of the improvements; a man does not calculate when he is buying a house that he is buying an instrument of production; it is a necessity; so in Donegal, a very high price is given for standings for hosts, if the holding is near the sea.

4575. I think the County Court judges have awarded

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Mr. O'Brien.

Chairman—continued.

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awarded considerable prices in Donegal?—Forty years' purchase has been awarded in Donegal in one case; I do not think it is unusual, but it is above the average.

4576. But still there have been cases as high as those mentioned by Mr. O'Phertis?—I have known cases in which the price obtained was higher than 40 years' purchase.

4577. Mr. O'Phertis said he had known cases even as high as 70 years' purchase?—Yes, I have known cases as high as that.

4578. Even where the rent is a fair rent?—Yes.

4579. In answer to Major Nolan, who pointed out to you the very large price paid for certain lands in the Diocese of Tuam, did you say that these were perpetuity rents?—No, I said that they were renewable leases.

4580. Would the purchasers of those renewable leases be included in the 5,300 tenant purchasers?—No, they would not.

4581. Then they would also have to be deducted out of the names given in these returns?—They would have to be deducted out of the 5,300 tenants.

Thursday, 11th April 1878

## MEMBERS PRESENT :

Mr. Bruce.  
Mr. Chalmers.  
Mr. Errington.  
Mr. Fay.  
Mr. Haygate.  
Mr. Shaw Lefevre.  
Sir Joseph McKenna.

Mr. Madden.  
Major Nolan.  
The O'Connor Don.  
Mr. Plunket.  
Colonel Taylor.  
Mr. Vernon.  
Mr. Wilson.

GEORGE JOHN SHAW LEFEVRE, Esq., in the Chair.

Mr. ANTHONY TRAILL, LL.D., M.D., called in; and Examined.

Mr. Plunket.

4582. You are a Fellow of Trinity College, Dublin?—I am.

4583. And you are also a proprietor of land in the province of Ulster?—Yes, most of my property is in county Antrim; I have some in county Down; I have also an interest in some property in King's County, but I do not know much about it, for I seldom or never go there, it not being in a very pleasant neighbourhood.

4584. You are also a member of the Representative Irish Church body?—I am, and I am also honorary secretary to their glenches' committee.

4585. Then I suppose you have had considerable experience in the working of the Church Act?—I have had experience of the working both of the Church Act and the Land Act.

4586. Have you observed any case or cases in particular where you have known the 46th Section of the Land Act to fail in its operation?—There are several cases which I am acquainted with, but there is one case which illustrates the breaking down of the system so completely, that I thought it would be well to bring it before the Committee.

4587. Will you be good enough to state the case to the Committee as shortly as you can?—It is the case of Mrs. Stuart, of Ballybivestock, in the county Antrim. The first difficulty which occurred when her landlord's interest came to be sold was, that it was sold by the English Court of Chancery instead of by the Irish Landed Estates Court; it was sold by public auction in Coleraine, at which I was present, and bid for the tenant. The whole townland was sold, but when we came to apply to the Board of Works under this clause of the Land Act, we were met by the first difficulty, that it should be put through the Landed Estates Court.

Chairman.

4588. Having already been sold by the Court of Chancery?—Yes, having just immediately before been sold by the English Court of Chancery, and that we refused altogether to do, because Mrs. Stuart had been put to an expense of upwards of 100*l.* in connection with the purchase of it.

Chairman—continued.

immediately before; that was between four and five years ago. We then got some questions asked in Parliament, which brought the matter again before the Board of Works, and we were allowed to reopen it.

4589. In what year was that?—It was, I think, in 1873.

4590. Was that before the Supplementary Act was passed?—It was just after that, because we availed ourselves of the Supplementary Act, and in order to get rid of the question of the title being made out by the English Court of Chancery, we got it conveyed to the Stewart Moore, the adjoining proprietor, out of whose property the townland had been originally taken, which conveyance had in itself a tendency to remove any difficulty of title that there might have been. Then we brought the matter under that clause of the Land Act which allows the landlord and the tenant agreeing with each other, to sell and to buy; and in that position it was allowed to come before the Board of Works a second time.

4591. I was referring to the Supplementary Act which enabled the Board of Works to lend money on titles investigated by their own solicitor?—We refused to put it through the Landed Estates Court; it would have been too costly, and it was not necessary. Then the matter has been delayed ever since by all sorts of difficulties cropping up, altogether arising from the fact that the Board solicitor has required the same strict investigation of title as any solicitor would require in the open market, if he were asked to give a loan for the purchase; he insisted upon going back, and investigating the title for the period before it came to the English Court of Chancery.

4592. In other words, they set aside the proceedings in the English Court of Chancery?—Yes. Then at every stage costs were asked for; there was a deposit of 8*l.*, and a deposit of 6*l.*, and a deposit of 8*l.*, and so on, constantly asked for; altogether, 31*l.* 11*s.* have been deposited in the Board of Works to get the matter through. This now has all been lost, owing to their final refusal.

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4593. What

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A. Trill,  
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Mr. Plunket.

4398. What is the value of the property altogether?—The loan we were asking for was about 1,400*l*. Then they began to investigate the tenant's title after that immense loss of time over the landlord's title; all this appeared to be totally unnecessary, it being well known that the tenant had lived there all her life; and at the end of four years the negotiation has broken down upon irrelevant matters connected with marriage settlements, wills, scatchels, and things of that sort, with which I think the Board should have no concern, so long as there is *prima facie* evidence that the person claiming is the tenant in possession.

4399. Then, in your opinion, unnecessary difficulties have been thrown in the way of this transaction by the Board of Works?—Certainly. Had they taken the same investigation of title that they would have taken in an ordinary case of land improvement, where a landlord would get a loan for labourers' houses, or drainage works, the thing would have worked perfectly simply, and no difficulties would have been created.

4400. Is there any remedy which you would suggest for such miscarriages as that?—As regards the Board of Works, I think some machinery should be devised by which a very simple arrangement in the solicitors' department might be made to meet such cases.

4401. Will you explain a little more fully what you mean by that arrangement; do you mean to say that the solicitors' department of the Board of Works should be re-organised?—I do not say that there is any objection to the present solicitors, but they seem to act under certain rules, which they say they have no legal power to go behind. I say that if these clauses of the Act are to be worked by the Board of Works, they must be simplified, or they never can be worked. If the solicitors are to have the necessity forced upon them of making the same investigation of title as any ordinary lender of money in the open market, would do, the thing must break down because the cost is too great.

4402. The cost is too great for such small transactions as that?—Yes.

4403. Has any difficulty been experienced on account of the deficiency of funds upon the part of tenants; that is to say, the want of money?—No; the tenants in our part of the country have generally got money to buy; that is to say, in holdings of any decent size. When you go below about 20 acres, the money is not always so easily forthcoming.

4404. Are you yourself in favour of the policy of encouraging the purchase of their holdings by tenants?—If all the tenants were solvent persons with proper sized farms; and if they were prepared jointly to give as much as any purchaser in the open market would give for the whole, I would certainly be in favour of the proposal; therefore, in the abstract, I consider that I am in favour of the proposal. But I think the question of the sale of the smallness, when the solvent and good tenants are picked out, practically makes the thing almost impossible; because you must either in that case require the other tenants to make up the difference by extra purchase-money, or you must suppose that the general public are either benevolent enough or foolish enough to put their money into what

Mr. Plunket—continued.

I must consider a very bad investment for them.

4405. Have you, in your mind, any limit as to the size of the holdings which you would consider it desirable to convert into fee in the hands of the tenants?—The size of the holding would depend very much upon the nature of the soil, whether it was good or bad; but taking the average case of a good farm, I think that the tenant of below 30 acres would not be the kind of proprietor you would wish to see in the country; above 30 acres I think it would be a good thing if a number of proprietors were created in the country.

4406. I suppose you are speaking now of an average, because you might find in certain cases holders of below 30 acres whom it would be desirable to make freeholders?—Yes; there are persons of remarkable thrift holding down to 10 acres, whom it might be desirable to make peasant proprietors, but holders of small farms, as a rule, below that amount, it would not be desirable to convert into proprietors.

4407. On the average, you would say that it would not be desirable to say great extent to convert tenantry of any less quantity than 30 acres into owners in fee?—That is my opinion.

4408. Have you observed that the tenants are, as a rule, anxious to become owners of their farms in fee-simple?—I think that all tenants are particularly anxious to buy their farms whenever there is a change of ownership of the land about to take place; as long as the tenant has good security under a good landlord, he never thinks about it at all; but there is no doubt that the person the tenants are really apprehensive of is, the new purchaser of the landlord's interest; above all things, they are afraid of those small purchasers of townlands who are usually found in the country, such as shopkeepers and money-lenders, and country attorneys, and those sort of persons; they have the greatest horror of coming under them, but I think if any farmer felt that he had good security for his tenure, he would consider it better to keep the money in his pocket, using it for profitable farming, than to buy the fee-simple of his farm with it.

4409. Now, when you say it is difficult to carry out the scheme in many cases of selling property to the holder or occupying tenant, have you any alternative suggestion to make with a view to meeting the case of property changing hands when the tenants are dissatisfied with their future prospect?—Yes; there is a proposal which I made publicly about two years ago, which strikes me as remedying that difficulty, and getting to a great extent over the difficulty as to the residue, and that is, that in every case where there is a change of ownership by sale, that sale should be *ipso facto* a 21 years' lease to the occupying tenant at the then rent.

Chairman.

4410. That is to say, whatever the rent might be at the moment?—Yes, at the time of sale; that would not in two ways; it would not only give the tenant a security for the 21 years, but it would check this kind of purchaser, who comes in at a sale, and will bid a little over the value that the tenants would give, or which they themselves might give under other circumstances, simply with a view to raising the rents, and recouping themselves.

4406-3. Besides

Mr. Phelan.

4606-8. Besides this security of tenure, are there any other advantages attaching to your proposal?—My proposal would prevent a great many of the petty quarrels and incessant litigations which we know to take place amongst the proprietors of these perpetuity holdings and decads. I have known very many quarrels about rights of way, rights of common, turbary, and repairs of roads, and things of that sort. I have known a man spend 300*l.* in a lawsuit to see whether he could take a path through his neighbour's field, and be beaten. Small proprietors are constantly undertaking lawsuits on these matters, whereas the decision of these matters on estates even where leases exist, lies in the hands of the landlord, so that litigation on any well-managed estate upon these questions is completely put an end to, because roads, and pathways, and common, and turbary and such reminders are generally still vested in the landlord, and therefore he or his agent settles these matters amongst the tenants.

4609. Have you had any experience yourself of holders in perpetuity?—Yes, I have a great many perpetuity tenants of my own, and as far as I have observed, these who have large-sized or reasonably-sized farms, are very prosperous men. But as you get down into the very small holdings, although they are very respectable men, yet they get very poor, and between the litigation which happens, and other causes, and subdividing where they can, eventually they are sold out. They are very often sold out to meet attorneys' costs, and very often they are weighed down with charges to brothers and sisters, for it is a very common thing for a man who has a decd, to leave a lot of charges against one of small holdings. And then the final tendency has been, as far as I have observed, that these small holdings are bought up, and joined again to larger ones. I know one example where there are at present in the market for sale 800 acres of a splendid farm for any one to buy, and I know that within the last 30 years that large farm of 800 acres has been almost entirely created by the gentleman residing thereon buying up the perpetuity holdings all around him, one after the other, as the people became reduced in circumstances.

4610. Will you explain to the Committee what you mean by a tenant who has a decd?—In our part of the country, a tenant who has a decd is a perpetuity tenant who has no rent to pay; he has the perpetuity out and out, whereas a perpetuity tenant holding under me pays me a fixed rent.

Chairman.

4611. Is the man who has a decd an owner in fee?—Yes, virtually.

Mr. Phelan.

4612. I suppose a good many of them got this decd or assignment upon a fine or price paid?—I do not know the history of them all; a great many of them are of very old standing, and many of them lie in between other properties where landlords have properties scattered about.

4613. With regard to sub-division, do you find a strong desire to sub-divide among these people?—I think the larger ones do not sub-divide so much, but I certainly have observed that the small holders have a very great tendency to sub-

Mr. Phelan—continued.

divide. I judge of it from the constant applications I have had from my tenants to allow them to sub-divide; as a matter of practice, I do not allow it. In my perpetuity leases there is a special clause which says, that if that holding shall come into any other hands than those of a child, or grand child, the rent shall be increased, and, perhaps, doubled; that, of course, prevents alienation and sub-division. I do not know whether that is a common clause in perpetuity leases, but it checks sub-division, so far as I know, very effectually.

4614. Do you believe that in the part of Ireland you are acquainted with, the tendency to sub-division, and the desire to sub-divide, is diminishing, or is it as strong as it used to be?—I could not say whether it is diminishing or not. I find that amongst these small holders they are very anxious to sub-divide, if they were allowed to do so. I should say that any apparent diminution in the tendency to sub-division is the result of the stringent rules on the subject which exist on most well-managed estates.

4615. Is it your experience that in proportion as the tenants are well-to-do and solvent, you do not find that same disposition to sub-divide?—I do not find the same tendency to sub-divide amongst the more solvent tenants.

4616. You say that the small perpetuity holders seem to become impoverished, and are driven at last to sell their holdings; to what causes do you attribute that?—I think, where you see them becoming poor by degrees, and being sold out eventually, that it arises from two causes, either from sub-division, or from the holdings being charged sometimes very heavily in favour of other members of the family, who do not hold the land, where it is not sub-divided; and that is besides very often accompanied with bay farming, I think. The worst part of every landlord's property is that consisting of the small perpetuity holdings.

4617. How do you account for the large number of peasant proprietors, who as alleged, have been created by the Church Commissioners?—I think as regards the number, it is quite fallacious, because the number as given by the Commissioners, of tenant purchasers, seems to include all the purchasers except those of perpetuity holdings. It includes purchasers who do not reside upon the holdings, and it also includes persons who are not tenants, but persons who have been substituted for tenants, to the number of 800. The number also includes weekly tenants and tenants of cabins and houses of all kinds which have been sold to their occupiers; and it also includes cases in which the Commissioners themselves have created tenants. When I speak of the creation of tenants, I refer to the mensal lands, that is to say, lands which used formerly to be in the hands of the clergymen themselves, as distinguished from lands formerly let to tenants. From my own knowledge there are a great many cases in which the Commissioners have created those tenancies, certainly to the great detriment of the Church in some places; and in some cases even trespassers have been created into tenants. Whether it is with the view of creating small proprietors or not, I do not know, but certainly, within the last two years there has been a great change in the procedure of the Church Commissioners with regard to these mensal lands. I would beg to mention one case

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For

Mr.  
A. Trail,  
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Mr.  
A. Trevel  
Llan, W.D.  
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1873.

Mr. Plunket—continued.

for instance, which took place, as illustrating the kind of way in which a small proprietor is treated. In the parish of Dunlodge, which is close to Bush-mills, there was an acre or so of land adjoining the burying ground, which the parish at considerable cost had cleared of cabin houses, so as to add it to the burying ground, whenever the latter became full, and it is now nearly full. The clergyman, at the time of the passing of the Church Act, allowed a butcher in Bush-mills to keep his sheep upon this land for grazing, and before he committed he was so particular lest this man should make any claim against the Church for this ground, that he retold possession of the ground, although the man was not the tenant, because, although he was paying a small rent, he was not paying any county cess; and before he would let him in again, the clergyman got him to sign a document stating that he was not the tenant; that document was sent up to the Commissioners, and is in their hands still. The Commissioners allowed the clergyman 31. a year for this bit of land, on commutation, and after the clergyman committed, and had gone away, the Commissioners insisted on recognising this man, who had signed the document in their possession, as the tenant, though the document expressly admitted that he was not the tenant. This plot of ground was of the utmost importance to the parish, not only for the Church, but for all denominations to bury in. We applied to the Commissioners, and they said this man was the tenant, and that they would give him the right of pre-emption. I even went the length of bringing the matter before the board of guardians of Coleraine, with the view of getting the burying ground given to the board of guardians as a burying ground for all denominations, and get authority to treat with the Commissioners to the extent of 100 l. for this little bit; but the Commissioners would not give us this little bit of ground as a burying ground, and they created this man a tenant in spite of all our protests about it; all we could do was to make him pay the 100 l. for it which I had offered.

4618. You do not consider that a fair method of creating a tenant proprietor?—Certainly not.

4619. Have you any other instances which you can give the Committee?—The Gate Lodge in the same parish, which was used formerly for the clergyman's servant, furnishes another illustration. The last clergyman did not happen to have a servant, but let the lodge at 2 s. a week (it happened to be cut off from the glebe by the road), and yet the Commissioners insisted on selling the lodge to the weekly tenant, although he might, during his occupation, have been put out at any moment. That man could not purchase the lodge at all, and another party stepped in and gave them 100 l. for it, and built two houses upon the spot. The real purchaser is the village schoolmaster, but the man who is referred to in the Commissioners' book did not, and could never have purchased the property at all. Then the case of the Armagh Deanery is a very important one. In that case the proprietor of an hotel in Armagh, of the name of Hughes, held a piece of the deanery land, which was of the utmost importance to us in the future, because the deanery is to be the future residence of the primate.

[The Committee room was cleared. After a short time the witness was re-admitted.]

Mr. Plunket—continued.

4620. The Committee are anxious that in any evidence which you give upon this subject you should confine yourself as much as possible to a general statement as to how far the creation of tenant proprietors has been successfully and honestly carried out by the Church Commissioners; they are desirous that you should not enter at all into any questions which may have arisen between the Church body, whom you represent, and the Church Commissioners; in replying to any questions I may ask you now, I will ask you entirely to leave those disputes aside, and to confine yourself to the question how far the sales which are represented to have been in a great number of cases successful of their dealings to tenants, have been really and substantially of the character they profess to be, excluding all collateral disputes which may have occurred?—May I ask if I am to exclude such questions as the change of policy of the Commissioners with respect to the creation of tenants over the normal lands?

4621. Will you confine yourself to the question of the creation of peasant proprietors, without considering how it affects the Church body, excluding particular cases as far as possible; first, let me ask you, in this case of the Deanery of Armagh, about which you were speaking, a case which affects the policy, and the carrying out of the policy, of these deans of the Church Act, and if so, will you state shortly the facts of that case?—Mr. Hughes became the purchaser, as the Church Commissioners' tenant, and they refused to allow the Church body to buy that property except by direct treatment with Hughes. We had then to pay 637 l. more for tenant-right to Hughes to get the privilege of purchasing it, so as to prevent the deanery, with the timber, and all from being ruined.

4622. Was the man a tenant before?—He was a tenant under Dean Disney, the Dean of Armagh, and when Dean Disney died, his tenancy expired.

Chairman.

4623. You say that the Church Commissioners on their part wrongfully treated this man as the tenant entitled to buy, and that they sold to him, and that the Church body feeling the absolute necessity of obtaining that land, had to buy this man out again?—Quite so.

4624. That is one case in which you say a tenant proprietor has not been created?—Quite so.

Mr. Hughes.

4625. Would he appear upon the book as a tenant proprietor?—No doubt, and as a matter of fact he does.

The O'Connor Don.

4626. Was the land sold to Hughes under its value, do you think?—I could not say that.

4627. Because you say you had to pay 637 l.?—We had to pay 637 l. more to get the land from him.

4628. That was the tenant's interest?—Yes.

Mr. Plunket.

4629. You have heard, have you not, the proposal or suggestion which was made by Mr. Vernon for the further carrying out of the policy of creating peasant proprietors in Ireland?—I have heard of it.

4630. Do you think that the most important part

Mr. Plunket—continued.

part of the work done by the Church Commissioners is in fact performed by the Commissioners themselves, or by officials who assist them, and work under them?—Taking my experience of the Church Commission, I think most of the work is done by the subordinate officers.

4631. Have you had much experience in those transactions of dealing with the Church Commissioners?—My opinion is, that a Commission of that kind, being similar to Mr. Vernon's proposed Commission, cannot manage land at all, taking it generally, during the interval between their purchase from the landlord and the sale to the tenants of the land acquired by them. All the mental lands which have been sold to the public, we, the Representative Church body, have had to manage for the Church Commissioners since the matter began, and in eight years, the Church Commissioners have not been able to convey to us 550 glebes; they have not been able to get any of the business done, which a Commission such as Mr. Vernon proposes, would be expected to do.

4632. Your idea is, that if the Commission suggested by Mr. Vernon were of the same character as the present Church Commission in Dublin, it would not be able effectually to manage the lands which it might purchase in the interval between their so purchasing and their being able to sell to tenants?—Certainly not; the Commission have absolutely failed in stopping the ordinary cases of trespass which occur when lands are in an *interim* state. I could mention numbers of cases to the Committee in which we have had to go into court, in almost every county in Ireland, in order to prevent a sudden rush on the lands when the clergyman vacated his benefice.

Chairman.

4633. You are speaking of mental lands, and not of lands in the occupation of tenants?—Quite so; I am only saying that a commission of that kind is not able to manage land during the interval between its passing from one set of hands to the other. I should add, that although there are not, strictly speaking, permanent tenants on the mental lands, yet there are temporary tenants constantly. Under Napier's Act a clergyman could set the lands to tenants, provided he did not infringe the limit of 50 acres, which were reserved as demesne lands for his successors, but besides that, he could set the lands up to his own door, only for his own incumbency. Such latter class would be only temporary tenants, and these are the persons to whom I have objected as being created into permanent tenants by the Commissioners.

Mr. Plunket.

4634. If an efficient valuer were attached to the Board of Works, to perform duties similar to those which are performed for the Church Commission by Mr. O'Brien, and if, also, there were some arrangement by which the costs of tenants' purchasing, where they were able to purchase, should be diminished, through the action of a solicitor, also attached to the Board of Works, do you believe that it would be necessary to appoint or to provide higher officials, such as the Church Commissioners are at present, for this purpose; or do you think, on the other hand, that the head of the Board of Works, whoever he might be, or one of the superior officers of the institution, O.J.I.

Mr. Plunket—continued.

assisted, as I suggested, by a competent agent and solicitor in these transactions, would be able to do the work?—I think he could do it quite sufficiently. I think the money that would be spent upon the Commission, which, like the present Commission, costs 30,000 l. a year, could be much better used for the benefit of the tenants in buying up these residues which are so difficult to sell.

4635. Then your view is, that the suggested Commission, so far as having two highly paid and responsible Commissioners, or even one, is concerned, would be an unnecessary expense to the country, as it would be quite possible, in the manner I have suggested, to carry out the same process under the Board of Works?—I think so; it would be a waste of public money to spend it for any such purpose.

The O'Connor Don.

4636. With regard to the Commission suggested by Mr. Vernon, I think you stated that you had read the evidence he gave before this Committee?—I have.

4637. Are you not aware that he proposed that this Commission should buy only those estates upon which they had made inquiries, and found that a considerable proportion of the tenants were willing to purchase?—Yes, I am.

4638. And consequently that he proposes only to buy estates on which there are tenants?—Yes.

4639. That being the case, how could the difficulty arise to which you have referred, of this Commission having to manage property like the mental lands?—Every one who has the management of property knows that there must be a general supervision kept over it. There may be questions of trespass; there may be questions of various kinds arising, which I referred to particularly when I was speaking of the present Commission as being unable to manage.

4640. Will not those questions of trespass arise between the tenants, and be looked after by the tenants?—But what I meant was, that that Commission, when they are in possession of the lands, are not able to act as landlords; that is my point.

4641. Do you apply that to all cases, or do you apply it merely to the cases where they are in the position of landlords having land in hand?—I think it would apply to all cases, if there were any length of time between the original purchase and the sale; the Commissioners would have to act as landlords during all that time.

4642. Have the Church Commissioners found any difficulty, speaking from your own knowledge, in managing estates on which there are tenants?—A great many of the cases to which I refer were cases of tenants who came in and trespassed upon those mental lands.

4643. But the cases you have referred to were exclusively mental lands, were they not?—They were exclusively cases of mental lands.

4644. You are not aware, I presume, of any cases in which the Church Commissioners found any difficulty in dealing with lands on which there were occupying tenants?—That class of cases is out of my knowledge entirely.

4645. Therefore you cannot, from your own knowledge, give the Committee any instance which has occurred under the Church Commissioners, which would lead one to believe that a similar Commission, such as Mr. Vernon proposed,

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A. Trevellick,  
I.R.C., M.P.  
11 April  
1873.

Mr.  
A. Treill,  
Esq., M.P.  
11 April  
1876.

*The O'Connor Dow—continued.*

posed, would find any difficulty in dealing with lands on which there were occupying tenants?—I could not say as to that. [I find, on reference to my note-book, a very remarkable instance of litigation between tenants who had purchased separate lots from the Commissioners. The case is that of the English Bog, county Tyrone; the tenants each bought their small pieces of bog, where they usually cut turf, and the Rev. Mr. Jackson, as tenant in occupation of the remainder, became the purchaser of it. The Commissioners sold to each, subject to such encumbrances or rights of way, if any, as might exist. About 40 of the tenants insisted on their right to the reserve bog, and tried to establish an adverse possession by trespass, but the Commissioners would not interfere, and the Rev. Mr. Jackson had to contest the matter for two years at the assizes in Omagh. He eventually won, and obtained in addition a decree for about 180 £. of costs against the trespassing tenants, but, of course, lost much more by the transaction. Had the Commissioners used their ordinary powers as landlords, they would easily have controlled these trespassing tenants, and so saved all parties much cost and unfriendly feeling.]

4646. At the commencement of your evidence, you quoted the particular case of Mrs. Stuart, in which you state that the money required to be advanced was about 1,400 £?—Yes, 1,333 £. was the exact figure.

4647. What proportion was that of the entire amount of purchase-money?—Two-thirds, the entire amount legalised under the Land Act.

4648. That is to say, two-thirds of the purchase-money?—Yes.

4649. Did the Board of Works consent in that case to grant the total amount that was asked for?—It did; it is merely on technicalities that the negotiation has broken down since; I have their letter stating that, on satisfactory settlement of the points in dispute, the 1,333 £. would be granted.

4650. So that the Board of Works have raised no difficulty with regard to the amount?—No.

4651. What is the total amount of costs which the people were put to in that case?—Leaving out the costs (above 100 £.) which occurred in the English Court of Chancery, the costs since the matter got into the hands of the Board of Works were over 45 £., which is all lost now apparently, unless the Treasury advance the money.

4652. You are opposed, as I understand, to the establishment of tenant proprietors under 20 £. annual value?—I said 20 acres as an average; I did not limit myself to the actual figure.

4653. But although you would not approve, as a general rule, of such tenancies, would you draw a hard-and-fast line, and allow no tenant holding under that quantity to become a proprietor, if he were solvent?—I would not say so, absolutely.

4654. You do not think that there should be any line drawn anywhere?—I do not think it should be below 10, and that it should be above 20, so I would draw a line somewhere between the two.

4655. Then you would not approve of facilities being granted for the purchase of holdings below 10 acres?—I would not.

4656. Why not?—Because I find, as a general

*The O'Connor Dow—continued.*

rule, that they are not solvent men holding under that quantity.

4657. I presume such a thing could be found in Ireland as a tenant under 10 £. rent being solvent?—There would, no doubt, be such cases.

4658. In such a case as that you would not object to his purchasing?—I would not.

4659. Therefore you would not draw a line there, I presume?—It is difficult to say exactly, but if I draw a line anywhere, I would draw it there.

4660. Then the reason for suggesting the drawing of a line is, that persons holding under that amount would not be solvent?—They would not be solvent enough to lend a huge sum of money to, or they would not be able to put down a large sum of money themselves. If you made then a large loan I do not think they would be solvent enough to pay.

4661. Do you think that the State might advance more than two-thirds in some cases?—I think in the north of Ireland, where tenant right is so good, I would not object to going as far as three-fourths where the holdings were of sufficient size.

4662. Have you any acquaintance with other parts of Ireland?—I have a certain general acquaintance, but not so particularly as with the north, especially the county of Antrim.

4663. I suppose that in the rest of Ireland generally the value of the tenants' interest is considerable, is it not?—It is not so good as in Ulster.

4664. But you would admit that it is considerable?—In some places tenant right is stated to be worth seven years' purchase, and in some places two or three, and in some places practically nil, but I am quite satisfied that in Ulster, at all events, the tenants' interest is on an average worth 10 years' purchase.

4665. In Ulster, at all events, the State would be safe in advancing three-fourths of the money?—Yes.

4666. Do I understand you to apply your rule as to a 21 years' lease in estates put up in the Landed Estates Court, whether any of the tenants are willing to purchase or not?—I would; I think if tenants were able to purchase at all, it would greatly facilitate their chances of purchasing. If outside bidders knew that the moment they bought the property, the tenants would have a 21 years' lease against them, it would prevent their bidding for the purpose of land jobbing, which is the thing the tenants are so afraid of.

4667. You consider that a 21 years' lease would be long enough to prevent that?—I think that a 21 years' lease is a very good lease under the circumstances, the object being to protect the tenants from their new landlord, until they saw what sort of person he was; at the end of 21 years he might have learnt something about his duties as a landlord, from contact with others.

4668. Would you give an owner whose estates were being put up in the Landed Estates Court, any right of increasing the rent before the sale?—I think that the rental should be settled before the sale, and not after; that is part of my principle; but I think that the rent to be settled by the owner who is going to sell, should be subject to the revision by the court at the time of sale, if the seller proposed then to raise the rents.

4669. But a fair rent being arrived at before the



*The O'Connor Don—continued.*

the sale, do you think it a fair thing that a man who is taking advantage of this public court, should have this condition placed upon him, that a tenant should have a certain tenure?—I do undoubtedly.

4670. You believe that would lead to facilities in the way of tenants purchasing?—I do; I do not think it would interfere with the landlords getting the real value of the land, but I think it would prevent anything like an extra bid over that for the purpose of land-jobbing.

4671. Have you at all considered the suggestion which has been made of selling to tenants a lesser interest than the actual fee-simple; for example, selling a perpetuity at a rent fixed?—I presume you mean when the property comes into the Landed Estates Court.

4672. Yes, or before; where they are not all able to buy the fee, where there may be one or two tenants able and willing to purchase, and the others not able to purchase, it has been suggested that the residue would not be so much injured if a perpetuity were sold to the individuals who were able to purchase, rather than the entire fee?—I have not considered that matter, but I think it would be a fair proposal.

4673. Such a proposal would get rid, would it not, of a very great number of difficulties as to rights of way, and difficulties of that sort which might arise if those men were owners in fee?—The great difficulty about rights of way in that case would be, there would be no supervision over them, such as the present landlord or his agent has. I have a general objection to perpetuities in the abstract, on the ground that they are constantly subject to litigation about small matters, such as rights of way.

4674. In certain townlands, perhaps, three or four tenants might be able to purchase, and the rest might not, and if these three or four are allowed to purchase the fee-simple, it has been suggested that having their holdings in the middle of a townland it would be very difficult to get a purchaser to buy the residue; do you think that difficulty would be lessened if those men, instead of having the fee simple, had perpetuity leases granted to them?—I think, if the new purchaser were to buy the whole, having these men as his perpetuity tenants, it would be easier to find a purchaser for the whole of the townland than for the residue, undoubtedly.

*Mr. Bruce.*

4675. I wish to put a question to you which regard to your proposition as to 21 years' leases being given to all tenants for estates sold through the Landed Estates Court; now supposing that upon an estate so sold there were some tenants who already were in possession of their holdings under leases of 21 years, and that, say, 15 years of those leases had run out, how would you deal with such cases?—I would give the tenant the option of having a revaluation made, and a new tenure of 21 years from the date of sale.

4676. That is to say, a new tenure of his holding with a new valuation?—Yes; that valuation to be subject of course to the judge if it be once in court. I would allow him either to let the other five years of his lease run, taking his chance with the new landlord, or I would allow him to substitute for that the new 21 years' lease which the others were all to get.

4677. Do you think this proposition of yours

*Mr. Bruce—continued.*

would injure the sale of estates?—I do not think it would injure sale of estates for what is really the landlord's interest to be sold, but, as I said before, I believe it would check the class of purchasers, whom I call land jobbers, who buy with the view of raising the rent on the tenants, and therefore getting that interest for their money which the purchase would not justify. If a man gave 35 years' purchase for a property, and therefore got about 5 per cent. for his money, if he had been in the habit of getting 5 per cent. for it formerly, there is a great tendency in that man's mind to feel that he ought to continue to get 5 per cent. for his money. Then if he looks round and sees that the tenants' rents could be raised so as to give him 5 per cent. for his money, there is a great temptation to do so. There is never the same temptation upon a man to raise the rents upon his tenants who has inherited the property as there is upon a man who has just paid money down for it.

4678. Do you think that the discontent which has been expressed with regard to excessive rent is owing principally, or almost altogether, to the action of those persons whom you call land jobbers, who purchase estates upon speculation, and that it does not arise against the owners of lands who have been in the possession of their estates for some time?—I am certain of that, as far as my experience goes.

4679. Do you think that estates have been purchased to a very large extent in the Landed Estates Court by these land jobbers, or is it the fact that a few cases of the kind having drawn public attention to the matter, greater attention has been directed to it than perhaps the number of cases would warrant?—Without knowing the particular cases which go through the Landed Estates Court, I could not say what the number of such cases might be, but the experience which I have had, leads me to feel assured that persons of that description are the persons who have caused the feeling of insecurity, at all events in the north of Ireland; I cannot say anything as regards sales in the south.

*Chairman.*

4680. When estates have been sold in the Landed Estates Court they have been broken up, in order to bring in a larger class of purchasers, have they not?—Yes.

4681. Therefore they bring in these speculators?—Yes.

*Mr. Bruce.*

4682. From your experience, have these speculators in the north purchased to a very great extent?—I mentioned one case; and although I cannot say that I could put my finger upon particular persons who have purchased of late years, and say as regards any one of them, "You are a land jobber" still I have a strong impression upon my mind that the general feeling of insecurity which prevails arises from these purchases.

4683. You are not prepared to say that the number of cases in which the excessive raising of rent has actually come into effect is sufficient to warrant of itself the feeling of insecurity?—I could not say that the number of them has been very great, but there is a feeling abroad that if the land were to continue changing hands, the number might become greater than it is; and I think it is a justifiable feeling on the part of tenants.

4684. The

Mr.  
A. Trevel  
L.L.B., M.B.  
11 April  
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Esq., M.D.  
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Major Nolan.

4684. The first part of your evidence went to show that some hardship was inflicted upon the Church of Ireland in individual parishes by the manner in which the sales were effected?—It was.

4685. But that would not effect the propriety of future sales of other properties which did not belong to the Church; it would not be any reason for not putting properties not belonging to the Church into the market?—Certainly not.

4686. That is to say, any hardship which accrued to the Church in former times would be no reason against giving facilities to tenants throughout Ireland to purchase their land?—No, certainly not; it was merely with a view to the appointment of a Commission that I was attempting to analyze the method by which this plan would be carried out.

4687. You would not urge that against the propriety of extending the scheme generally throughout Ireland, where there were no Church lands?—No.

4688. Why do you think the Board of Works would be better than a special Commissioner appointed for the purposes of sale?—I think a special Commissioner is a very costly thing, and I think the materials for carrying out these sales exist already with slight modifications. I have already expressed my opinion that there is very great difficulty thrown in the way by the Board of Works at present; the case which I mentioned illustrates those difficulties very clearly, and therefore, in my opinion, there should be a great revision in the system of the Board of Works if it is to be carried out fully; but to establish a Commission seems to me to be merely creating another body to do that which existing machinery could do.

4689. Do you think that the Board of Works in advancing money, sometimes go through a good many formalities, and ask a great many questions, and, in fact, raise difficulties for which there is no necessity?—I think so, and quite unnecessarily.

4690. Do you think if they had to deal with a mass of people, like the peasantry in Ireland, those difficulties would very often deter persons from purchasing?—If a person like Mrs. Stuart cannot get a loan, no person in Ireland could get a loan in my opinion.

4691. Then if the Board of Works were to undertake this duty, they would have somewhat to change their system, at least when they were dealing with the tenants?—Quite so.

4692. They could not work it on the present system?—No, because they state they are bound to act under these iron rules by the Treasury.

4693. In fact, they would have to work in a somewhat different way, if they were desirous to facilitate purchases by tenants?—Certainly.

4694. With regard to the sale of residences as to which you say there would be a difficulty, would that difficulty be got over, if the tenants who purchased paid one or two more years' purchase than is at present obtained in the open market?—That depends upon the number of tenants who purchase, and the residue left. If three-fourths of the tenants in value purchased, and they paid so much more as would cover the loss on the sale of the residue, then it would clear up the difficulty.

4695. Would you say a year or two more?—I do not think that would cover it. I think the residences would be practically unsaleable.

Major Nolan—continued.

4696. Would not the small people from the towns invest their money in those residences?—I think it would be most objectionable that they should come in over the heads of the tenants.

4697. But they would do so, would they not?—I should not like to see it done, and for the protection of the tenants I should hope it would not be done.

Chairman.

4698. Supposing the tenants were protected by the scheme you proposed, namely, a 21 years' lease?—I should like to see that very much.

4699. It was with that view you put it forward, namely, assisting the sale of the residue, was it not?—Yes, and also with a view to bringing the price really to what I consider the proper figure.

4700. That is to say, to prevent the purchase-money being too high?—Yes, from being abnormally raised by bidding for jobbing purposes.

Major Nolan.

4701. You stated that you would be inclined to advance three-fourths of the purchase-money in the north of Ireland; would you be against doing the same in the south?—I do not know the south sufficiently well to say whether I would or not.

4702. You would give that amount in the north, which you know well?—Yes, because there is a large margin of tenant right; if the same margin existed in the south, I would give it there.

4703. Would you have in some body the power of determining whether the State should advance three-fourths, or a somewhat less sum?—Yes, I think a discretionary power between advancing two-thirds and three-fourths would be a very fair way of meeting the difficulty; and if individual cases turned up in which there was this security, I would give the larger advance.

Sir Joseph McKenna.

4704. As I understand, you are of opinion that, from your experience of the present Church Commission, that would not be the best possible body to work out a scheme for the purchase of lands for resale to tenants?—That is my opinion.

4705. Allowing that to be the case, which I am not prepared to dispute, or to confirm at present, are you of opinion that some new machinery is requisite to carry out the functions with which the Board of Works were charged under the Land Act of 1870?—I do think it is absolutely necessary to improve that machinery, if it is to be worked at all.

4706. So far as the intentions of the Legislature go, in that case you think they have proved futile in the carrying-out machinery?—I think so; not from the fault of individuals, but that they consider themselves hampered by the machinery they have to act under.

4707. You are in favour of some new machinery being devised, either by the reorganization of the Board of Works, or some new body?—I am.

4708. That is to say, if the policy of the Act of 1870 is to be adhered to?—If my proposal were carried out, with regard to giving a 21 years' lease *ipse facto* by the sale, then the new machinery would not be necessary.

4709. I am not going into that; that is a very useful

Sir Joseph McKenna—continued.

naïf suggestion in itself, but I do not think it is probable that we can do anything upon that score at present; but assuming that that would not be the course adopted, some new machinery would be requisite for the purpose of carrying out the policy of the Legislature in the Act of 1870, would it not?—An improvement would be necessary in the old machinery, no doubt.

Mr. Chaine.

4710. Have you any opinion as to what the machinery should be?—I put forward a definite proposal, and if my definite proposal were to work, the new machinery would not be required; but under any circumstances, I think that if the Bright's clauses of the Land Act are to be worked, there must be some improvement in the machinery of the Board of Works.

4711. Is it not your opinion that those clauses should be made workable, as far as possible?—I think they should, and that the machinery should be improved.

4712. As far as the north of Ireland goes, of which you speak chiefly, you would, as I understand, be in favour of advancing three-fourths of the purchase-money to the tenants?—I would.

4713. The more that is simplified, you think, the better for the country?—Undoubtedly.

Mr. Wilson.

4714. With regard to this 21 years' lease of years, which you think would assist in the sale of the residues, would not that be at the expense of the owner of the estate?—I think it would not be at his expense any further than as it would prevent those extra prices being given, which I do not consider the owner legitimately entitled to. I think there are cases in which properties are not only sold for their value, but, especially if sold in small quantities, are sold above their value, owing to the competition of the class of persons whom I mentioned going to buy, in order to get tenants out, or to raise the rents upon them.

4715. This case of Mrs. Stuart has lasted a considerable time, has it not?—It is very nearly five years since it began. I do not mention that as a cause of complaint about the actual delays in the Board of Works, because I believe there has been delay on the part of others, quite as much.

4716. Do you know the estate of Captain McCalmood?—I do.

4717. Has the sale of that estate been completed?—I understand that the negotiation broke down on account of the head rent; I have heard there has been an attempt to rescind that case. There was a large head-rent upon that estate, and the Board of Works did not consider the security sufficiently good, because the whole of that head-rent might have been at any time laid upon each man's particular farm, though if you regard it as a whole, it was not excessive.

4718. What was the name of this Presbyterian clergyman who bought the Belleisle property?—Scottie.

4719. You say that he offered that property to the tenants afterwards at the price which he gave for it?—I do not say that of my own knowledge, but I have heard that he offered the tenants the lands at the price he bought at.

4720. He bought as trustee for the tenants; did he not?—No, he bought on his own account; he was sent over by the tenants to buy for them. I O.S.I.

Mr. Wilson—continued.

do not say that he was the sole person who bid beyond the tenants' price. I think that there was someone else who bid, but at all events the property was knocked down to him, at a price higher than that which the tenants had authorised him to give.

4721. The tenants refused to advance any more, did they not?—The tenants said that they could not pay any more, and then he gave them notice to quit, when they would not pay the raised rent; and I was present in the Chairman's Court when a decree for possession was given against these very men who had sent the clergyman over to buy the property.

4722. You do not think that he had done anything very wrong, do you?—I do not blame him for doing so when any third party might have bought the property over their heads; but if the law had been that nobody could have bought the land without giving leases for 21 years, I do not think that anybody else would have bought it but the tenants.

4723. Do not you think it was in the interest of the tenants that he bought the land?—I do not know whether it is to the interest of tenants for a man to buy the land, and then to raise the rents, or turn them out.

4724. Was not it in the interest of the tenants that he bought the land, when he offered it to them afterwards?—I do not know as a fact that he did so.

4725. Would you propose to prevent subdivision after the charge had been paid to the Board of Works?—I do not think you could interfere with a man once the property was his own, he has paid the State back the money which it had advanced him, and there is no reason why the State should interfere further with him.

Mr. Fay.

4726. One of your objections to the creation of small proprietors was, that it would involve the creation of a great amount of disturbances amongst the tenants, with regard to rights of way and rights of turbary, and so on, and that the medium of the landlord would not be there to settle them?—Quite so.

4727. Would it appear to you that the difficulty could be got rid of by extending the jurisdiction of the magistrates with regard to these cases, and leaving the final appeal to the chairman of Quarter Sessions, so as have within the county a court which has the power of winding-up such disputes?—If you mean that the Petty Sessions Court would be the better court to decide small questions of title than the superior courts to which they have to go at present, and, therefore, would make the process much less expensive, I think that would be a good suggestion.

4728. Then, lest the want of legal lore on the part of the magistrates might militate against people's rights, would you make the decision of the chairman final?—Yes.

4729. You are aware that there is nothing mandatory at present against tenants going into the superior courts, and that they often do?—If any question of title is raised in the magistrate's court they cannot go on with it.

4730. You overlooked the Bill introduced by Mr. McCarthy Dowling, under which there cannot be an appeal upon a question involving an amount under 5 £.?—That is a recent Bill.

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4731. With

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A. Trevel  
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Mr. Foy—continued.

4731. With regard to the existing machinery, I suppose that you are aware that there are five boards already dealing with land in Ireland, namely, the Valuation Office, the Board of Works, the Landed Estates Court, the Church Commissioners, and the Quit and Crown Rents Office?—Yes, I think it is too much.

4732. Would it not appear to you that the consolidation of these courts into a supreme land body, with a responsible head in Parliament going in and out with the Ministry, would be a desirable alteration with regard to Government land management in Ireland?—I have never considered the question, but at the first blush it does not appear to me to be a desirable thing that the heads of the authoritative jurisdiction over land in Ireland should go in and out with the Government.

4733. Do you know whether there is an analogy as regards the heads of some departments in England?—There may be some analogy, but land is the question that there is such a particular stern about in Ireland that it should rather be dealt with specially, and certainly without reference to party.

4734. As I understand, you value the tenant-right at about 10 years' purchase all round?—The value of tenant right varies up and down, but 10 years' purchase would, I think, be a fair average all round in Ulster. There are some large estates, like Lord Downshire's, in which they are allowed to go much higher, but on most estates they are limited to 10 years' purchase, or 10*l.* an acre, or something about that.

4735. Do you not consider that the 10 years' purchase might be a very good ground for extending the advance to three-fourths?—That was my reason for suggesting that.

4736. You would not go beyond that?—No, I would not.

4737. With regard to making a good title in the Landed Estates Court, would you impose upon the Government the taking of a title without investigation?—At present they make investigations of title for the purpose of land improvements of a very simple nature. If I want to get a loan for buildings tenants' cottages, or carrying out drainage works, I go to the Board of Works, and the investigation they make is a very short affair and a very simple affair.

4738. Is not this the distinction, that one is a loan upon the land which carries with it the improvements for the benefit of the Government, whereas a loan upon the land itself, to which the title was not well investigated, would be entirely different from a loan upon works which were there and vouched for?—Yes; but when I referred to the Board of Works making difficulties about title, I referred to two classes of difficulties; one the landlord's title, and the other the tenant's title. In the case of the landlord's title I suggested that it should be so far simplified, as for example, that a sale in the English Court of Chancery should be taken as a starting point, but in regard to the investigation of the tenant's title, I think that the difficulties which have been thrown in the way by the Board of Works have been altogether unnecessary.

4739. Surely a tenant may have a title as a landlord, may he not?—But the land is there, and the purchase-money is there, and if the tenant is litigated with by another tenant to ascertain whose land it is, that is a matter of less

Mr. Foy—continued.

importance. It is not of the same importance to the Board of Works to consider the complete title of the tenant to the land, as it is of the landlord's to the land. As the landlord is to go away with the money in his pocket, it is quite clear that they must see that his title is good, but when the tenant is to remain, if there should be a mistake about the title of the tenant, the other tenant who comes in and litigates the question, would simply stand in his shoes; the land will then have been purchased for him, the purchase money being a first charge on the land.

Chairman.

4740. I understand you have represented the Church body in their negotiations with the Church Commissioners about the mental lands?—I am the honorary secretary of their Glebe Committee.

4741. You have represented that body in their negotiations with the Church Commissioners?—We make all our applications through the secretary of the Representative Church Body.

4742. And you have acted as secretary, have you not?—No; we have a paid secretary for that purpose.

4743. You have taken a very active part in the committee, I believe?—Yes.

4744. And, therefore, have been very much thrown in contact with the Church Commissioners?—Yes.

4745. You have had a good deal of angry correspondence with them, have you not?—Not personally.

4746. But in your capacity as secretary?—We have not had angry correspondence with them.

4747. But there has been a good deal of contentious correspondence with them, has there not?—Yes.

4748. And mainly, I believe, upon the subject of these mental lands?—Yes.

4749. Do you consider that the Commissioners acted improperly in treating persons as tenants upon mental lands, who were not so within the meaning of the Act?—Yes, to the injury of our property.

4750. Could you mention many such cases?—I could give the Committee nearly twenty such cases from the book in my hand.

4751. Is twenty the limit of the number?—No; I have picked out a number of typical cases; I could give you a much larger number of them if it were necessary.

4752. How many cases have there been?—Up to last year I considered that they treated as very fairly under the Church Act; since last year they have changed their policy towards us; they have enforced a strict interpretation of the ten-acre clause, for which I can see no reason, except the creation of fresh tenants for the purposes of the return.

4753. I only want to get the limit; would you say there have been 50 or 60 of such cases?—I am sure there have been many more, but you can say 50, for the purpose of illustration.

4754. You think that the Church Commissioners in about 50 cases have created peasant proprietors, in this particular way, in cases where they ought not to have done so, in that your contention?—Yes, certainly, in regard to these particular cases; but there are a great many other cases which I consider should not be in the return.

4755. That

Chairman—continued.

4755. That you have mentioned before, namely, cases where tenants have bought, and have assigned to other people?—Yes; over 800 such on their own admission, and there are people, like myself, who have bought, and who are put down.

4756. There are cases of gentlemen who have bought?—Yes.

4757. And cases of persons who have bought mixed land, who you think should not have been treated as tenants?—Quite so.

4758. I understand from you that one of the main difficulties of turning tenants into small owners under the Land Act, is how to deal with the question of residences?—That is one of the difficulties in selling an estate.

4759. And that, in your opinion, will operate to prevent any great number of such sales occurring?—If the estates are sold in townlands, there are townlands on which there are large holdings and solvent tenants, and in that case all the tenants might be able to buy; but if you take any large property as a whole to be sold in lots of any particular size, there will always be the residue of those poor lands, which will not be sold unless the purchaser buys the property as a whole.

4760. Have you formed any plan, in your own mind, to get over the difficulty?—The plan which struck me as getting over the difficulty to a certain extent was, that by giving a 21 years' lease to the tenants, the purchaser would buy the whole without damage to the tenants, or the price would be brought nearer to what the tenants would be likely to give, so that they would not be beaten by just an extra bid or two.

4761. That would operate in reducing the price in the one case, and bringing in a larger proportion to buy in the other?—I think so, decidedly.

4762. You consider that there would not be a very great number of actual purchases by tenants?—I think there would be a considerable number of cases of purchase by tenants.

4763. That is to say, under the reorganised Board of Works?—Yes, if the facilities for doing it existed.

4764. If what facilities were given?—If those legal difficulties which I mentioned in the first case were got over; the minute examination of the tenant's title, for instance, which I consider to be altogether unnecessary. As I said before, the selling a landlord's title is a different thing.

4765. You think that if those difficulties were removed, a great deal more work might be done under the Land Act than is now done?—I consider so.

4766. And those difficulties are created by the Board of Works?—By the rules under which they act.

4767. As I understand you, they act under these rules from the Treasury?—I do not think the Treasury are responsible for that; the solicitors say they are bound to act upon the same rules as if they were persons lending money in the open market.

4768. I understand your main objection to giving facilities to holders below a certain amount of land to buy, to be, that of their solvency; that you did not think the small tenants, as a rule, were sufficiently solvent?—I do not say they are not solvent with regard to their paying rent, but I do not think they would be solvent  
051.

Chairman—continued.

with regard to the State lending large sums of money to them.

4769. Supposing these holders could find the balance of the one-fourth of the purchase-money, would your objection then apply?—I do not think they could find the balance.

4770. Would you object to their borrowing upon the value of their tenant right, plus the fee; supposing they borrowed three-fourths from the State, the interest and payment of instalments upon that would not amount to the same figure as their previous rent; should they then, in your opinion, be allowed to borrow the balance?—I do not think they could borrow to pay more, generally speaking, than their previous rent.

4771. Are you aware that a great number of the tenants who have bought from the Church Commissioners have borrowed the balance of the purchase-money?—I know it is stated that in some cases they have done so.

4772. What is the value of tenant right in your part of the country?—About 10 l. an acre.

4773. Do tenants often borrow upon their tenant right?—I do not think they do; I know that at the time they buy, when they have to pay a large sum to the outgoing tenant, they often have to borrow, but it is not supposed to be known, because it is not considered to be the right thing for a man to borrow; it is considered a valid objection to a new tenant if he has to borrow, but if I have a respectable man as the incoming tenant, I would not always enforce the objection.

4774. The main desire of the tenants to purchase leases, does it not, when the land is about being sold over their heads?—It does.

4775. You think they are entitled to great consideration upon that head?—I do.

4776. In your opinion the difficulty of a new purchaser coming over their heads and raising the rent would be met by your system of granting 21 years' leases?—Yes, at a rent settled at the time of purchase.

4777. Who is to settle the rent?—I think that if a landlord, proposing to sell his estate, endeavoured to make a sudden rise of rent, that should be subject to the discretion of the judge.

4778. It should be subject to a valuation, in which the judge of the Landed Estates Court should be the arbitrator?—Yes, certainly.

4779. Therefore it would throw the onus upon the judge of the Landed Estates Court to say what the rent should be, would it not?—No, I do not think so; because I think most landlords would not choose to raise the rents at the moment of leaving their tenants, and to bid them good-bye in that way.

4780. But supposing the landlord were not influenced by these motives, but did choose to raise the rents upon his tenants, what then?—I would control him by the Landed Estates Court judge.

4781. Then it would be leaving it to the Landed Estates Court judge to determine what the rent was to be?—No, not precisely that; because if the rent had been so-and-so for any length of time, I am not supposing that the judge should come in and say, "You must lower the rent."

4782. I am not supposing that he should lower it, but if the landlord raised the rent at  
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Mr.  
A. Frost,  
S.D., M.P.  
11 April  
1878.

Mr.  
A. Tressell,  
LL.D., M.B.  
11 April  
1873.

Chairman—continued.

the time of sale?—I think then the judge should have a controlling power.

4783. In point of fact you would leave it to the discretion of the judge to say what the rent of the land in question should be, supposing the owner wished to raise it?—Yes, that is my opinion; I consider that no estate should be valued more frequently than every 21 years, unless there were special reasons, such as the neighbourhood of a rising town; and if I were the judge, I should look at the matter thus, and say, "Is it 21 years since the rent was raised, or 5 years, or 10 years," and adjust it in relation to that fact.

4784. When a vendor brings his estate into the Landed Estates Court for the purpose of sale, and says it is now underlet, and says further that he proposes to raise the rent, you would give the

Chairman—continued.

judge the power of saying it should not be raised beyond a certain point?—Yes, I think the tenants would be assisted with the raising of the rent upon a valuation made at the time of sale, when they knew that the new purchaser could not touch it for 21 years.

Mr. Phibbs.

4785. Would you not be afraid that that would deter landlords from bringing their estates into the Landed Estates Court for sale?—No, I think not, because they would get a full and fair price for their property in every case, although they would not get that high price which they would get for it from those persons who would bid for the special purpose which I mentioned; that is all events is my view.

MR. SAMUEL MURRAY HUSSEY, called in; and Examined.

Mr. S. M.  
Hussey.

Chairman.

Chairman—continued.

4786. You are a Magistrate in the counties of Cork, Kerry, and Limerick?—I am.

4787. You are, I believe, one of the most extensive land agents in the south of Ireland, are you not?—I am the most extensive land agent in the south of Ireland, and one of the most extensive in Ireland.

4788. And you have acted as high sheriff of the county of Kerry?—I have.

4789. Are you of opinion that it would be important to increase the number of landowners in Ireland?—Undoubtedly; that would give you a class of jurors which you do not possess in Ireland at the present time, who are not connected with property as tenants; and I think it would check the agitation which is going on continuously for taking possession of the landowners' property, and giving it to the tenant classes.

4790. You think for that reason it would be desirable to increase the number of peasant proprietors?—For that and for many other reasons.

4791. Do you think it would be desirable to extend the number in all classes?—Yes, I do not see how that could be avoided. If you sell by townlands, and restrict the number of purchasers, then the purchase must collapse, because there may be some small tenants upon the land.

4792. Then you think it desirable to extend the power of purchase to all tenants, both small and large?—It is necessary, I think.

4793. Have you formed an opinion why the Bright's Clauses of the Land Act have failed in their operation?—It has been largely owing, I think, to the amendment which substituted two-thirds for three-fourths as the advance to be made by the State.

4794. I think the period of repayment was extended at the same time, was it not?—I do not recollect.

4795. Can you state to the Committee any instance of this difficulty which you have experienced yourself?—I have bought a large estate in the Landed Estates Court by private sale, subject to the approval of the Landed Estates Court, and I propose to sell a great portion of it to the tenants; if they get three-fourths or four-fifths on a fair valuation, they will buy, but with the two-thirds at present allowed they cannot.

4796. What is the extent of that property?—

The gross rental is over 3,000*l.* a year; it consists of 6,000 acres.

4797. How many tenants are there upon it?—There are 135 tenants upon it.

4798. In what county is that estate situated?—It is in the county of Kerry.

4799. What are the average holdings upon that property?—That I cannot say.

4800. Is the property very much mixed up between small and large holdings?—Yes, the holdings are very various.

4801. Is that an estate which has been in litigation in the Landed Estates Court?—Yes, the owners were anxious to have a speedy sale, and it was bought in by the agent for 65,000*l.*; and when the sale came for confirmation by the court, I bid 80,000*l.*

4802. Did the tenants in that case apply to the court to have an opportunity to purchase for themselves?—The tenants applied to have the property made out in lots for them to buy; that was done, and their united bids only came to 65,000*l.* Two other gentlemen then bid 80,500*l.* I bid the same, and claimed the right of preference, which I got.

4803. How much did you give for the property?—*£*. 80,500. I have agreed to sell about 800*l.* a year of it to gentlemen tenants.

4804. Is it the case now that there is an appeal pending upon the part of the tenants?—Not that I am aware of.

4805. Did not the tenants move the court that they were entitled to have an opportunity of bidding for the property in lots?—They had an opportunity of bidding, and their bidding only amounted to 66,000*l.*

4806. That is to say, the tenants got an opportunity of bidding in gross?—No, of bidding for each holding.

4807. Is the case over, then?—No, it will be decided on Thursday whether I am the purchaser or not, or whether the estate is to be withdrawn from the court.

4808. Have you entered into an agreement with a certain number of the tenants to sell their farms to them?—Yes.

4809. With how many of them?—With 72 of the largest, out of 135. At least, when I say I have agreed, I should say that I have offered the land to them on those terms.

4810. Is

*Chairman—continued.*

4810. Is that sale dependent upon the tenants being able to obtain a certain portion of the purchase-money from the Board of Works?—Yes; I am quite certain that they cannot complete the purchase without it.

4811. The tenant purchasers cannot complete the purchase unless three-fourths of the purchase-money is advanced by the Board of Works?—I believe not.

4812. Has there been any application to the Board of Works to ascertain how much can be advanced?—I have heard so, and I have heard that the Board of Works have restricted the advance to 20 years upon Griffith's valuation. In these two baronies Griffith's valuation happens to be half the letting value, so that in that case they will not get even as much as half their purchase-money advanced to them.

4813. The result of that is, that unless the advance is considerably increased, they will not be able to complete this purchase from yourself?—No, I am afraid not.

4814. Are these the largest tenants with whom you have made this agreement?—Both large and small by townlands.

4815. Are many of them quite small holdings?—Many of them are quite small holdings.

4816. Down to what size would they go?—There are some as low as 2  $\frac{1}{2}$ .

4817. When you have effected a sale to these tenants, will the residue be left on your hands?—Yes, the tenants on the residue are not willing to buy.

4818. Is the residue very much cut about?—No, it lies all together.

4819. Then the tenants who have agreed to buy are collected together?—They are collected together; I declined to sell except by townlands.

4820. Therefore, in your opinion, it would be advisable that the State should increase the advance from two-thirds to three-fourths?—I would say that they should increase the advance to four-fifths.

*Major Nolan.*

4821. Do you mean four-fifths of the letting value, or on Griffith's valuation?—On the letting value. Thus, if the property were worth 20 years' purchase, the tenant's interest being in all cases assumed to be worth five years' purchase, that would be 30 years, and the State would advance 20 years' purchase, that would only be advancing two-thirds of what they could get for the land if they resold.

*Chairman.*

4822. What number of tenants do you deal with?—I receive rents from about 8,000 tenants in the south of Ireland. I manage one-fifth of the whole county of Kerry.

4823. I suppose that tenant right is not recognised?—It is not.

4824. But still if a tenant were allowed to sell, it would bring that number of years' purchase?—Yes; it would bring five years' purchase.

4825. And it is upon that calculation of 30 years' purchase that you think the State might safely advance four-fifths of the purchase-money?—It is.

4826. If that were done, would it greatly extend the operation of the Bright clauses?—Every estate would be bought as soon as it came into the market.

*Chairman—continued.*

4827. With regard to the estate which you have alluded to, would that be bought?—Yes.

4828. Even the portion which is not yet likely to be taken up?—It would.

4829. Do you think it would induce many owners of property to come under the operation of the Act, such as tenants for life, and people with limited interests?—I am happy to say that many proprietors would like to sell to their tenants when they would not like to sell to a stranger, and I am one of them.

4830. Have you formed any opinion with regard to the clause of the Act which prevents alienation?—I think a man should be allowed to sell his interest, but not to subdivide his holding.

4831. But with regard to alienation, what would you say?—I think he has a right to sell what he buys.

4832. Do you think that the clause operates to prevent purchase?—Of course it does; because a man cannot make a charge upon the property for his younger children in that case.

4833. Do the tenants in your part of the county borrow money upon their tenant right?—Very frequently.

4834. And the result is that when a man comes in to buy his holding, he is deterred by this clause from raising money upon his tenant interest?—That is the general opinion.

4835. In your opinion the result of extending the provision advanced to four-fifths, and doing away with the provision against alienation, would be greatly to increase the number of such sales?—Yes, certainly.

4836. Taking your own case as an illustration, you think the whole of the property would be disposed of in that way?—Yes, certainly.

*The O'Connor Don.*

4837. I understand that you consider Griffith's valuation a very unequal test of the value of land?—Very much so.

4838. Even in your own county it varies very much, does it not?—Yes, very much; in some parts of Kerry, one and-a-half would be a higher rent than double in the case I speak of.

4839. Do you think that an estimate based upon that would be likely to be wrong?—It would be quite fallacious.

4840. Do we understand that on this estate you are willing to sell to the tenants, only where all the tenants on a townland are willing to buy?—Only in that case.

4841. Do you consider your estate will be injured if you were to sell a portion of the townland, and retain a portion in the hands of tenants?—I do.

4842. Have you at all considered in that case the advisability of selling a perpetuity to tenants who were able to purchase it?—No, I would not consider it prudent in the interests of the landlord; but I think if four-fifths were given, the tenants would be able to buy in every case, and if they were not, they would be able to avail themselves of the clause of the Land Act, which enables three-fourths of the tenants being willing to buy, to bring in a fourth from outside.

4843. Have you any other scheme to suggest to the Committee?—Yes; I think there should be a special valuation attached to the Board of Works, who, when an estate is for sale, would go down and value it, and decide what advance the tenants could get, and tell them all about it.

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*Chairman—continued.*

4844. Do we understand that you would empower the special valuator to settle the price that was to be paid for the land?—No.

4845. How could he tell the tenants the amount of advance they would get, if he did not know what the price was?—He could say to the tenants I think this is worth 25 years' purchase, and I on the part of the State will give you 20 years' purchase, and you may give them as much more as you like.

4846. Then he would fix practically the value upon it?—He would of course.

4847. You would not propose then to advance three-fourths or four-fifths of the actual purchase-money it would realise for sale?—No.

4848. Only of the fair letting value?—That is all.

*Sir Joseph McKenna.*

4849. In such a case as that it is possible that you would advance the tenants more or as much as they would have occasion to pay?—I would not give in any case more than four-fifths.

4850. But when you fix the value yourself, if you valued the land at 1,000 l. you would lend 800 l., but the tenant might at the same time have an agreement in his pocket with his landlord to take 800 l.?—I would only advance in the same proportion.

*The O'Connor Don.*

4851. In the case you put just now of 25 years' purchase, assuming the valuator considered that the existing rent of the holding was a fair rent, the tenant in such a case would really be paying only the rent he had been paying before that purchase?—That is all.

4852. And that is what you would suggest as about the fair amount that the tenant purchaser should pay?—Yes, that would be about the fair amount.

4853. But where a tenant has had the land at a low rent, and the value put on by the valuator was higher, then he would have to pay more than the rent he was paying before?—Yes, he would have to anticipate what the new purchaser would put upon him.

*Colonel Taylor.*

4854. Do you not consider that the State advancing four-fifths of the purchase-money creates, in every instance, in advance an encumbered estate?—Yes, for 35 years certainly.

4855. Do you think that is desirable?—I think it is. This plan was mooted, I remember, 30 years ago, and if it had been inaugurated then while all these properties were in the Landed Estates Court, you would have had at this moment an enormous number of land proprietors in Ireland nearly free from their incumbrances, and forming the most conservative body that it is possible to imagine in the State.

*Mr. Bruce.*

4856. In the case which you spoke of as having purchased and offered to the tenants, I find the average holding was 44 acres; you said there were 6,000 acres in all, and 136 tenants?—Very probably that would be correct.

4857. Is that the average size of the farms in Kerry?—No.

4858. It is larger, is it not?—It is, generally speaking, larger.

4859. Is there much mountain land upon that

*Mr. Bruce—continued.*

estate?—There is very little; there is no inalienable ground in it.

4860. Is there much ground that requires reclamation?—Not very much.

4861. Then it is a very well-circumstanced property?—To a certain extent.

4862. I think it must be so, considering that there is a very small part of it which requires reclamation, and the average size of the holdings is 44 acres, that of course represents a very well-circumstanced property; then, I suppose, the fact that so many as 72 of the tenants having agreed with you to purchase, is to some extent owing to their being in a very prosperous condition?—I have offered it to 72 tenants; they have not finally agreed to purchase yet, nor can they, unless the State increases the amount.

4863. I understood you to say that the tenants have come to an agreement with you, subject, of course, to your coming into possession of the estate, to purchase from you?—No, that is not so.

4864. Can you state how many of the tenants will be in a position to purchase?—It depends upon what advance they get from the State; if they only get two-thirds of the purchase-money advanced, and if Griffith's valuation is held to, very few of them will be able to compete.

4865. Do you consider that that is owing to their not having the command of the portion of the purchase-money which is not advanced by the State?—Yes, very largely; and on the other hand, to the fact of the tenants not wishing to trench upon the fund they have provided for marriage portions for their daughters.

4866. Have many of them, do you suppose, money laid by in this way for family charges?—Yes, there is a great deal of money in Kerry in deposit receipts.

4867. Would the tenants be unwilling to make use of this fund for the purpose of paying instalments?—Yes, they would say their daughters would remain too long on their hands.

4868. If it were decided that the State should advance four-fifths, or even three-fourths of the purchase-money, you have told the Committee that it would very much facilitate the purchasing by tenants of their holdings; would it also bring about at all an increase in the price of land in the market in Ireland?—Possibly it might; and, I think, on the whole it would.

4869. It would be an advantage to sellers if it did so increase the price, and might induce more persons to bring their estates into the market, might it not?—Yes.

4870. Is that the reason why you told the Committee that you think there would be more estates brought to the market?—Yes.

4871. Owing, in fact, to a better price being got for them?—Yes, owing to a better price being got for them; and, moreover, there are some proprietors who have a disinclination to part with their estates to strangers.

*Major Nolan.*

4872. You stated that if this system had existed for the last 30 years, we would have now a very large number of proprietors in Kerry?—Yes, and in Ireland generally.

4873. Do you think that that would be a great benefit to the social state of the country?—Yes, certainly.

4874. And would put society upon a much firmer footing?—Yes.

4875. And



Major Nolan—continued.

4875. And that we would not have only two large classes in Ireland, namely, landlords and tenants?—Certainly not; I think that condition of things is most undesirable.

4876. But that we should have a large number of small proprietors, and that every tenant should be able to hope to become a small proprietor?—I think that would be desirable, certainly; no State has ever thriven without a middle class.

4877. Then you say that if four-fifths of the purchase-money were advanced by the State every holding in Kerry almost would be purchased by the tenants?—It would in my opinion.

4878. Have you great experience with respect to the finances of the tenants?—I have.

4879. And you are able to state that that would be the result throughout the whole country?—It would.

4880. Do you think it also important that the law expenses should be diminished in dealing with the tenants?—Certainly.

4881. You think that any great difficulties between the tenants, such as questions relating to easements, should be diminished?—I think those difficulties are generally settled in the Landed Estates Court at present; that is done at the expense of the sellers.

4882. Would you be inclined to cheapen that process?—If it could be done, it would be most desirable.

#### *The O'Connor Don.*

4883. At present there is no necessity for dealing with the question of easement, as between the tenants themselves, in the Landed Estates Court, is there?—They are very often dealt with as between tenants in the same lot.

4884. Are you quite sure upon this point?—I have often heard cases disputed, one tenant claiming the right of turbary on another man's holding.

Major Nolan.

4885. Do you think that the State would be perfectly certain to get back its money if it advanced four-fifths of the purchase-money?—It would be perfectly certain in every district that I am acquainted with.

4886. In fact, the security would be not only one-fifth of the purchase-money, but also the tenant-right, and also the daughters' portions which you mentioned?—You could not get hold of that.

4887. But a tenant purchaser would sooner sacrifice that than part with his holding, would he not?—No doubt he would, if it came to that.

4888. If there were an instance of an old man, say one out of a hundred, being sold up because he was not able to pay the instalments, do you think that would create any ill-feeling against the State?—I do not think it would; I do not think that there is any ill-feeling in Ireland against evictions for non-payment of rent.

Sir Joseph M'Kenney.

4889. You have told the Committee that frequently Griffith's valuation in Kerry was only half the letting value of the land?—Yes, in some districts.

4890. The Board of Works take as the value of the land 20 years' purchase in Griffith's valuation?—So I have heard, and the tables of what they have advanced prove that.

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Sir Joseph M'Kenney—continued.

4891. Twenty years' purchase upon the Griffith's valuation would represent, according to their mind, the value of the land which they should treat as the full value, and the Board of Works will only advance two-thirds of the full value?—Not so much; they limit their advance to 20 years' purchase on Griffith's valuation; the annual tenement valuation of the property which they have sold is 21,000 £, and they have advanced, in round numbers, 400,000 £.

4892. The Board of Works will advance 20 years' purchase upon Griffith's valuation?—Yes, they will advance 20 years' purchase upon that.

4893. Then they assume that the land is worth 30 years' purchase of Griffith's valuation?—Yes, that is so.

4894. Twenty years' purchase of Griffith's valuation would be only 10 years of the rental of the land?—Yes, that is so.

4895. Now if a tenant deals with the Board of Works, is he not under this disadvantage as at present, that at best he can only get advanced to him about half the value of the land which he purchased?—That is where Griffith's valuation is low.

4896. Where Griffith's valuation is low, the tenant can only get about half the real value of the land, and then, although he completes his purchase, and will himself be the purchaser of the remaining half interest, the foreclosure clause operates upon him if he attempts to raise a shilling upon it?—I understand so.

4897. Is that not a very great hardship and discouragement to him?—Yes, I think it is a very great hardship and discouragement.

4898. Does not it amount, to a very large extent, for the failure of the Board of Works, in carrying out the policy of the Legislature?—Of course it does.

4899. Have you given any consideration, apart from the amount of money which you would have advanced, to the machinery by which you would replace the present machinery; would you improve the Board of Works, or would you have a new Commission?—I would improve the Board of Works.

4900. Then you would not like a new Commission?—No, a new Commission would swallow up too much money; it would be like the Land Act, in which the amount awarded for five years was 79,000 £, and the remuneration to the Chairman was 49,500 £.

Mr. Meillon.

4901. Do you think that subdivision exists among the small tenants to any extent?—In wild mountain districts it exists, but in the better districts it is almost stopped.

4902. What would you say had been the cause of that?—I think emigration has put a great check to subdivision, and also the improved habits of the people.

4903. But there is really no fear now, where peasant proprietors are created, that subdivision will form any great difficulty in the settlement of the question?—I do not think there is.

4904. You think there would be no difficulty whatever in preventing subdivision, at the same time allowing alienation of the entire holding?—That is what I propose.

4905. Of course you are clearly of opinion that so long as anything was due to the State, there should be no subdivision?—Certainly.

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Hewey.  
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Mr. S. M.  
Hewey.  
11 April  
1878.

Mr. Melden—continued.

4906. Would you prevent alienation under those circumstances?—No.

4907. You mentioned that on the estate you purchased, the Griffith's valuation is only about half the letting value; might I ask you, in the course of your experience, what range does Griffith's valuation take?—I manage some property let at Griffith's valuation, and dear enough. Poorable ground is worth not so very much over Griffith's valuation, but exclusively pasture ground is worth a good deal more.

4908. In your opinion the really poor land which is worth very little, is often valued at its full value?—Very near it.

4909. Is it the rich land which is valued very much below its value?—No, the pasture land, because when Griffith's valuation came into play, labour was only half the price it is at present.

Mr. Plunket.

4910. Do you not find that the tendency to subdivision, as far as it exists, is much more prevalent among the smaller tenants than the larger ones?—That is not the distinction I draw; I think in the richer districts the tendency to sub-division is less; but in the mountain districts, and remote districts, the tendency to subdivision is greater.

4911. Do you think on the whole that the very small occupiers are so fit to be made proprietors as the larger ones; and do you desire to see this process carried out as largely amongst holders of very small holdings as amongst the larger ones?—I would prefer a limit, but I think it would knock up the whole plan if a line were drawn.

4912. Suppose such a limit could be obtained, whereabouts would you like to draw it?—I would like to draw it at about 20 l. a year.

Mr. Hoggan.

4913. It has been suggested that a limit might be drawn at the point at which a man can work his farm with a couple of horses; would that meet your view?—In my part they work so very few horses, that that would not be much; there is very little tillage, and, what they do, they generally do with the spade. I think out of my 6,000 tenants you would only bring in 100 if you adopted that criterion.

4914. When you speak of the tendency to subdivision, do you mean that the tenants press the landlord or his agent to allow subdivision?—Yes.

4915. Of course the ordinary occupier cannot subdivide as a rule without consent?—That is so, but I have not even been asked.

4916. In your experience, and from what you hear of the dealings in other estates, the landlord and the agent are not so prone to allow subdivision as they used to be.—No; and I have been for 33 years a land agent.

4917. Do you object to encumbered estates as a rule?—I do.

4918. But your objection only applies to large encumbered estates?—I would not object to any encumbered estate if there were a sinking fund for the purpose of paying off the encumbrance.

Mr. Wilson.

4919. You speak of a limit of 20 l., you are aware that an occupier in Ireland has a vote at 12 l.; would it not be wise to extend the limit to that?—I do not want to decide upon any line at all. If you want to work out the system you must give up the limit.

Mr. Wilson—continued.

4920. Did you offer the land to all the tenants upon your estate?—I offered it to all who I thought were willing to buy.

4921. I suppose it was as a speculation that you bought the property, and not in the interest of the tenants?—It was as a speculation I bought the property.

4922. At what rate did you offer that to the tenants?—Twenty-five years' purchase.

4923. What rate of purchase had you to pay for it?—About the same.

4924. Did you offer it at the same price?—There were some gentlemen tenants upon the land, who had beneficial interests, and that was the way it was done.

4925. Are the tenants upon that estate anxious that you should buy?—Some are.

4926. Are the majority of the tenants anxious that you should buy?—I cannot speak for all; there were a great many that I did not see.

4927. They have not protested against your purchasing?—A great many of them sent up a memorial petitioning that I should be declared the purchaser.

4928. And a great many memorialised that you should not, did they not?—A great many wished to buy the land, and to them I have offered the land at what I considered a fair price.

Mr. Fay.

4929. Do I understand you to say that your ideas in speculating in this land were confined to these large tenants?—Yes.

4930. And that it was from pure humanitarian views, and with a desire to create a peasant proprietary, that you purchased irrespective of the rest?—I thought it right to give them a chance. I do not take any credit for doing so. I think any man of common feeling would do so.

4931. Is not this estate, and the process it has gone through, a very good illustration of the desire of tenants to purchase their holdings, and the difficulties which have been placed in their way?—I think it is.

4932. Probably your recollection of dates may be accurate: they are not very remote; are you aware that it was about the 2nd of November last that that settlement of the rental took place?—Very likely.

4933. Have you any memorandum of that?—No, I have nothing but my affidavit offering to sell to the tenants.

4934. Did you hear that in all 57 tenants attended upon that day?—I believe that is correct.

4935. Are you aware that that was followed then by the offer of Mr. Goodman, junior, being brought forward?—Yes.

4936. Upon the 2nd of November are you aware that Mr. Patrick Griffin attended, and offered 75,000 l. for the estate?—I heard so.

4937. Did you hear that his offer was to give to each tenant, irrespective of purchasing townlands in glebe, the right of pre-emption?—To the tenants that attended, who were 52, whereas I proposed to give it to 72.

4938. Are you aware that as regards the 52 who attended he was willing to give it to them at the price at which he purchased; that is to say, estimated *pro rata*?—It is a very difficult thing to do to separate the value of one portion from the other.

4939. It was the 11 days subsequent to the offer

Mr. Fay—continued.

offer of Mr. Patrick Griffin that your offer of 50,000*l.* was made, was it not?—No, I have reason to believe that my offer was made before his.

4950. Then, it would be incorrect if it were stated by the solicitor having the carriage of the sale, that Mr. Thomas O'Connor, a solicitor on your behalf, sent in an offer of 50,500*l.*?—That would be so, but the question was not between me and the tenants.

4951. You have no idea whether it was the fact that you outbid the tenants?—No, I had no intention of doing so.

4952. Upon the 21st of November, was there a meeting of the court, at which your solicitor attended, and put forward your offer for sale?—I do not recollect; it is very likely.

4953. Are you aware that on any occasion later in the week, Mr. Patrick Griffin made an offer to outbid you, and to give to the tenants the right of pre-emption, provided it were accepted then and there?—I heard so; I was sorry that he did not do it.

4954. Would you be sorry that he should do it again?—I do not know about that, seeing that I have sold conditionally to the tenants.

4955. Would you be pleased if an opportunity arose by which he would be enabled to buy, and to give to every tenant who was willing to purchase from him the right of pre-emption?—If the tenants are unanimous in wishing to purchase, they will find no difficulty put in their way by me.

4956. Has this property been set out by the Examiner for the purpose of sale?—It was set out in lots, and the tenants sent in offers.

4957. The number of tenants who offered to buy was 94, was it not?—I do not think the number was so many.

4958. The total purchase-money they offered was 64,042*l.*, was it not?—I thought the amount was nearer 68,000*l.*

4959. That left about 627*l.* a-year undisposed of?—I disavow it did.

4960. Taking that at 25 years' purchase, would that not make it up to the sum that you had offered?—It would, or thereabouts.

4961. I believe there is no doubt that Mr. Patrick Griffin, if declared the purchaser, would be able to do that, and the court would have the remedy in its own hands?—The court would have the remedy in its own hands, but I am not aware that he is able to buy such a property as that.

4962. In your affidavit you say that inasmuch as three townlands which you mentioned are so mixed up that they cannot be separately dealt with without inconvenience, and that three other townlands must also be treated together, and cannot be separately dealt with, and so on; I suppose you would not divide this property for the benefit of the tenants, if you were declared the purchaser?—No, I do not think there is any occasion, because nearly all the tenants bid for their holdings, as you will find by my affidavit, and I propose to sell it to them if they all join.

4963. Is not the difference between your offer

Mr. Fay—continued.

and Mr. Griffin's offer, that Mr. Griffin's offer was that each tenant should buy on his own account?—I do not know what Mr. Griffin's offer was.

[The Committee-room was cleared; after a short time the witness was readmitted.]

Mr. Verwer.

4964. About what is the average size of farms upon the properties which you manage in the county of Kerry?—I could not at all give you the average.

4965. Could you give me an approximate idea; are some of them very small?—The average rental is 20*l.* and 22*l.*, some being very small, and some large.

4966. To what size do the small ones go down?—There are some called lotholders, holding only a house and one acre of ground. We hardly call those little tenants; they rather belong to the class of labourers; still they pay a yearly rent.

4967. What is the character of the country generally?—Some of it is mountain land, and some of it is good mobile ground; it is mixed.

4968. These small holdings are principally upon the mountains, are they not?—There are some upon the arable ground too.

4969. You stated, in answer to the honourable Member for Leicestershire, that the generosity of the tenants under you do not keep two horses?—The generosity of them do not; there is very little tillage, and even upon good ground they do not till much; it is mostly dairy farming.

4970. Then there is a great deal of pasture?—Yes.

Chairman.

4961. What number of years' purchase have you given for this property?—A little under 25 years' purchase; 2,000*l.* a year is the rental, and there is besides about 400*l.* a year made by tithary, and I gave 50,500*l.* for it.

4962. Of that you propose to sell about one-half to the tenants?—A good deal more than one-half.

4963. Do you propose to sell two-thirds to the tenants?—Yes.

4964. Will they give a greater number of years' purchase for it?—The people that I propose to sell it to will give 25 years' purchase for it.

4965. About the same that you gave?—Yes.

4966. You do not make any profit out of it?—Yes; there are some gentlemen non-resident who are interested in the property, and who will give me a higher price.

Mr. Brass.

4967. What interest do you mean?—A beneficial interest; they have the land under the value.

4968. Upon what tenure?—Short tenures and long tenures; there is one out in a year, and there is one upon three young lives. I hope the Committee will understand that I did not bid against the tenants; it was only when the other bidders came in that I came in.

Mr. S. M.  
Bailey.  
11 April  
1870.

Sir FREDERICK HEYGATE, Bart., re called; and further Examined.

Mr. Plaidet.

Chairman—continued.

Sir  
F. Heygate,  
Bart.  
—  
11 April  
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4969. Will you take this Paper in your hand (*handing a Paper to the Witness*); you were asked when you were here before as a witness to obtain some information on the subject contained in this Paper, were you not?—I was.

4970. Are you able, from your own observation, and from reliable information which you have obtained, to verify the statements contained in this Paper?—Certainly, from my own knowledge, and also from the best information I can obtain, after careful inquiry.

4971. And you are satisfied that the statements, so far as you can vouch them, which are contained in this Paper, may be relied upon by the Committee?—I think they are as nearly accurate as can be obtained.

4972. You wish to put in this Paper, do you not?—I undertook to do so at the request of the Committee. (*The scene was handed in.*)

Chairman.

4973. Do you know yourself how many of these small perpetuity tenants there are at the present moment?—It is impossible to ascertain exactly the number, but we have looked into the Government valuation, and as far as we can ascertain from that, and also from Mr. Ash and other agents, and individuals upon the spot, I have put down the information in that Paper. That is all the information we could get.

4974. This Paper does not state how many there are?—It is impossible to ascertain the number exactly, because there is no information in every case.

4975. I gather that a very large number of these perpetuity holders have been swallowed up by much larger purchasers?—A great number of them.

4976. There are not many left, are there?—A considerable number of them are left.

4977. Do you know, from your own observation, what the condition of those who remain is?—I know it partly from my own observation in

travelling through the district, but principally from conversation with those who have a personal knowledge of the subject from living on the spot.

4978. Have you been able to compare, from your observation, the condition of the perpetuity holders with that of the tenants who held as ordinary yearly tenants under perpetuity landlords on small holdings?—There are such a number of those cases that it would be impossible for any person to go into them.

4979. But I want to know whether there is a marked distinction between perpetuity tenants on small holdings and those who hold as yearly tenants from perpetuity landlords?—I believe so fully, from information which can be relied upon.

4980. But not from your own information?—Nobody could possibly tell which of the 2,400 was the descendant of an original perpetuity holder, without spending months upon the spot.

4981. From your own observation, are you able to distinguish between small perpetuity tenants and those who are small yearly tenants holding from others, because everything depends upon that?—I go through a district which contains a large number of small perpetuities, and I see a distinctly retrograding condition of agriculture in that district, and I naturally ask the question how that comes about.

4982. But apparently mixed up with them, are an enormous number of tenants from year to year?—Not an enormous number, but a large proportion; still it is distinctly a perpetuity district.

4983. I understand that a great number of the perpetuity holders have let their land to other people below them?—Some of them have; but the gentleman alluded to, Mr. Ash, has no objection to appear before the Committee, and he is possessed of most accurate information upon the subject.

Mr. MATTHEW HARRIS, called in; and Examined.

Major Nolan.

Major Nolan—continued.

Mr.  
M. Harris.  
—

4984. You are Secretary of the Ballinasloe Tenants' Defence Association?—I am.

4985. That, I believe, is the only tenants' association in the Province of Connaught?—It is the only tenants' association in that Province.

4986. Ballinasloe might almost be said to be the agricultural centre of Connaught, might it not?—Indeed, it is the agricultural centre.

4987. You were brought up yourself on your father's farm, were you not?—I was.

4988. And you gave that farm up afterwards to a relative, I think?—I gave that farm up to my sister.

4989. Your present occupation is that of contractor, is it not?—It is.

4990. That takes you a great deal about in that part of the country, does it not?—It does.

4991. Consequently, from your position as secretary of the Tenants' Defence Association, and from your occupation, you have every oppor-

tunity of ascertaining the feelings of the tenants?—Yes, and from my own connection, my father being a farmer and myself living on one.

4992. I think you wrote a pamphlet on the River Shannon?—Yes, I wrote a pamphlet on the improvement of rivers and reclamation of waste land.

4993. From your opportunities of judging of the tenants, do you think they would be able to contribute a portion of the purchase-money, if the State advanced, say, four-fifths or three-fourths?—I am quite sure that a large portion of them would.

4994. And if the State advanced three-fourths or four-fifths of the selling value of the land, do you think that in the course of 20 or 30 years, if sufficient land were put into the market, there would be a large number of small proprietors in the Province of Connaught?—I am quite sure that there would.

4995. What opportunities at the present moment

Major Nolan—continued.

moment has a tenant who has saved money of investing his money?—There are very little opportunities for his doing so. It is one of the great drawbacks to tenant farmers that they have no means of investing their money in the business which they understand. Their knowledge is principally confined to the farm; and if they accumulate a little money upon a small farm, they have no way of disposing of it in a manner which would be satisfactory, and in a business which they understand. The only course they pursue is to lodge their money in a bank at a very small interest; I believe, in some cases they do not get any interest at all upon their deposits. Sometimes they are driven to invest in a small low public-house, or something like that. Very many of the country farmers go into the towns, and invest their money in that manner; they thereby become not very good citizens of the town, and the country loses the industry of those men as farmers.

4994. You think this arises to some extent from the absence of means for the tenant to invest their money?—I think it arises to a large extent from that cause. I do not know any other way in which tenants having money could invest it. I think it is very detrimental that land is not more open to people having money to purchase; my father, for instance, would have bought some land, if there had been any possibility of doing so, but people never think of the possibility of doing such a thing, and the result is that there are no peasant proprietors in the country, and I think it would be a very great advantage indeed if that class of people were more numerous.

4997. You think that there would be a great desire on the part of small farmers, and on the part of the peasantry, to become owners of their holdings, if they could do so in the manner which has been suggested under the Bright clauses?—I think there would be a very great desire indeed.

4998. Do you think there would be no doubt that the money of the State would be secure, if they advanced, say, four-fifths of the purchase-money?—I am quite sure it would, for this reason, that even if a tenant broke down, and was not able to meet the demands upon him, the land would remain there; it would be a much better security than it is now, because the occupant being secured in his land would have made it more valuable, so that the State could not lose at all by the transaction.

4999. Would you apprehend any danger of ill-will being created towards the State, if a person who was not able to pay his instalments were sold up, do you think that the other proprietors would be angry at that?—I do not think there would be the slightest fear of that; the Irish people are very shrewd and discerning. Any person acquainted with the working of the Court of Chancery, or any other department where money becomes a consideration, and where they have to pay out money, would, I think, have formed the opinion that the people always accept the situation; they are in no way dissatisfied, but feel the justice and necessity of the thing. I think the idea of their becoming dissatisfied with the action of the Government is most absurd and groundless. They would rather think on the contrary that the State had conferred a real benefit on them in advancing a

Major Nolan—continued.

certain portion of the money, and if they saw an improved state of things before them consequent upon the action of the State, I do not think any people in the world would appreciate it more highly than the Irish.

5000. Would you allow any man to purchase if land were in the market, irrespective of the size of his holding?—I think there would be no necessity for establishing a minimum, for in my judgment, even amongst small farmers, people will not content themselves upon three or four acres of land, as they formerly used to do; they would go to America, or get into some other occupation; the people live somewhat better than they used to do in former times; they use better food and clothes, and will not be satisfied at remaining in the state of poverty which they formerly lived in on a small patch of land.

5001. You would not fear any evil effects from sub-division?—None whatever.

5002. Do you think that the small holders would not wish to sub-divide their land?—Certainly not; my opinion is that the opposite tendency is the only one to be dreaded.

5003. Are there any cases of sub-division about Ballinasloe?—None whatever, but there are considerable amalgamations; in fact, the tendency is altogether towards amalgamation. The graziers are a class of men who occupy a great deal of land around Ballinasloe, and if a poor man's land happens to join theirs, they may often intrigue with the bailiffs and that class of men (they are very clever, shrewd people), and generally succeed in getting the poor man out, and absorbing his land, which has caused very great dissatisfaction, indeed, among the people. The people feel these things very much, and I think the public press and public men do not so fully represent the sentiments of the Irish people in this matter as it would be desirable that they should do.

5004. In the part of the county of Galway that you are best acquainted with, should you say that there is any chance of a small farm turning into a large tillage farm?—No, the danger is the other way. Even where there are large tillage farms, worked upon the very best principles of farming, those farms are found in many cases not to pay so well as grass lands. I do not know whether it is through the want of energy on the part of those who own the farms, for certainly they work the farms according to the best system, but, from whatever cause, the tendency is towards grass.

5005. So that we have, under existing circumstances, in the west of Ireland, to choose between the system of small tillage and large grass farms?—Quite so.

5006. If the small farms are discouraged, we have nothing but grazing farms to replace them?—There is nothing but grazing farms to replace them, and that is most detrimental to all classes of the community, except the graziers and the landlords themselves.

5007. Does turning tillage land into grass injure the population of the town as well as the strictly rural population?—It does. The small towns fall into decay as soon as grazing becomes prevalent in the district around.

5008. In your district very few people, I believe, are employed upon the land?—There is no employment whatever where grass farms prevail, except a few herds here and there. In fact, you

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you might say that people look upon the landlord, the grazier, and the grazier's herds, as so many people herding cattle to send over to England; and as a class of people altogether very detrimental and useless to the community.

5009. But you think that if the tenants were assisted by the State to purchase their holdings it would create a feeling very favourable to the State, when they saw a chance of being established permanently on small farms?—I think it would. As far as that circumstance itself is concerned, it would do away with the very prevalent feeling that exists at present in favour of resistance to authority on agrarian grounds.

5010. You think that it would have a beneficial effect on the general social condition of the country?—I do indeed.

5011. In your opinion ought this change to be done at once, or would it be more beneficial if the existing tenants, or a portion of them, could be gradually turned into proprietors?—If it were done gradually, there would be a better opportunity afforded to small tenant farmers to buy out. If you put an estate into the market, there may be a number of the poorer people not able to buy; but if you hold an estate in commission, and give 10 or 20 years to the people to buy out gradually, I think small tenant farmers would give a higher price than could be had otherwise.

5012. How would you suggest that this gradual creation of peasant proprietors should be effected in Ireland; how would you improve the present working of the Bright classes?—The first necessary point is to simplify them, to bring down the sale of land as nearly as possible to the level of any ordinary transaction; that as soon as a man desired to buy, there should be no difficulty about buying, or that if he desired to sell, he could sell without too much trouble or expense.

5013. If the present expense of selling land were reduced so low as the expense of selling cattle in the market, do you think that gradually a large number of small proprietors would be created?—I do, and I think that if security of tenure were given, it would tend very much to improve the class of small farmers in this way: if a man has interest in land, if he has fixity of tenure, we will say, he will easily get a purchaser, and get a very high price for his land. If a man can get a high price for his land, he will not remain dragging on in poverty upon a small portion of land; and in that way I think fixity of tenure would result in a very much better class of occupiers. In the ordinary course of business the poor, the ignorant, the improvident, would make room for the more industrious, the more wealthy, and the more provident.

5014. Your occupation as a contractor brings you into contact with proprietors, does it not?—I have been much in contact with proprietors.

5015. Do you think many proprietors would be willing, if they could do it cheaply, and without trouble, to sell portions of their property to their tenants?—I think many of them would.

5016. Do you think a much larger proportion of them would do so than do at present?—Quite so; at present, I might say the barriers are insurmountable; you cannot, without great difficulty, divide a property, or sell it to the tenants. The custom is necessarily complicated on account of the state of the law. The present system is, to sell a large property in *glais*; and I think it is too hard to expect that all of a sudden the tenants

Major Nolan—continued.

would have sufficient co-operative power amongst themselves to unite and buy a large property.

5017. You think that the tenants should have some means of gaining information as to the mode of buying their holdings as well as of the amount to be advanced?—Yes, the more information the State would give, and the more they simplify matters, the better; I think that advancing money to a man to buy land is only a roundabout way of going in the place of the landlord. It would, in my opinion, simplify matters if the State were to go in the place of the landlord, or if there were some banking system established, and they were to take up the estates and sell them according as the tenants were willing to purchase; I think that full freedom of purchase upon the part of tenants would cause an increase in the value of property very soon, and result in the establishment of peasant proprietors.

5018. You have no fear, from your knowledge of the tenants, that there would not be a large number of buyers who would be willing and able to buy?—I am quite sure of that.

5019. A witness examined before this Committee stated that tenants did not care about investing their money in land; is that your experience?—That is not the case in our part of the country; the tenants are most anxious to buy property; it is the one idea that is uppermost in their minds.

5020. Are there many properties sold in your neighbourhood?—There have been, but the properties which have been sold in our neighbourhood have been sold to a class of shopkeepers and small men. I heard a gentleman who gave evidence before this Committee state, that it would be desirable to give a 21 years' lease to prevent such men from buying up land, with the object of raising the rents; landjobbers, of that class, are about the very worst landlords there are. There is a very great contrast between the class of old landlords that we have about Ballinacree and the class of new landlords who have come in. One of the great advantages of giving leases or fixity of tenure would be to prevent land jobbing.

5021. Would the tenants upon those properties round Ballinacree have been able, had the State advanced four-fifths of the purchase-money, to find the other fifth?—With few exceptions, they would have been able to find it.

5022. They would have been willing to pay as high a price for this land as the present proprietors have paid?—They would, and a higher price.

5023. Do you think that there is any opening in the way of waste land in the county of Galway; that is to say, do you think that if small proprietors were established upon the waste lands, they would improve these lands very much?—I think it would be most desirable; and I think if the Government or Board of Works were to run parallels along by the river which divides Galway from Roscommon, and sell out the lands so divided, they would establish a very comfortable class of tenants, who would very soon reclaim the bogs which adjoin this river.

5024. You think that a class of small proprietors would make efforts to reclaim waste lands which tenants without very secure tenure could not do?—I do; I look upon small tenants as great reclaimers. Now, the very best class of farmers, Scotchmen and others, who come over, never

## Major Nolan—continued.

never turn their attention to reclaiming what we call red bog, that is deep heavy bog; they sometimes reclaim light bog, but a small farmer does not hesitate at all to endeavour to reclaim red bog. There are two classes of English and Scotchmen, large capitalists, who buy estates and improve them in the English and Scotch system, and men who rent land; these latter prefer good land at high rents, and try to get what they can out of it; they reclaim none whatever.

5025. Would you say that the great bulk of the red bog which has been reclaimed about Ballinacree has been reclaimed by small occupiers, and not by the direct action of large occupiers?—Yes, small occupiers succeed better than large occupiers in reclaiming every sort of bad land, as a proof of which population has increased in districts where the land is poor and bad, and whenever a small tenant has been removed, the land has gone back to barrenness again; the bog creeps down upon the tilled land.

5026. Do you not think that a small owner would exert himself more extensively than a small tenant?—I think he would.

*The O'Connor Don.*

5027. You have a very considerable experience of the tenantry in the county of Roscommon, I understand?—I have.

5028. You are aware that in that county there are a great number of very large tenants, graziers as you call them?—Yes, the two counties are nearly alike in that way.

5029. I gather from your evidence that you are not very favourably inclined to the extension of that class?—No, I think they are most ruinous to the country, and that they have created the intense dissatisfaction which exists against landlords.

*The O'Connor Don—continued.*

5030. From your knowledge of the small tenants in that part of Ireland, would you say that if the tenants were permitted to sell their interests in the holdings, they would receive a considerable sum for those interests?—I think they would, provided they had security of tenure, then they would be able to get large sums for their holdings.

5031. So that if the State were to advance four-fifths of the purchase-money, even in that province of Ireland where no legal tenant right exists, still there would be a very great security in the tenant's interest over and above the one-fifth?—A very great security indeed; I do not apprehend any danger at all of the Government not being able to recover their money.

*Mr. Errington.*

5032. You mentioned that there was a great desire on the part of the Irish tenants to buy their farms?—Yes.

5033. I think you applied that evidence to your opinion that there was industry and a desire to improve their position prevalent amongst them?—Yes.

5034. From your experience of the country, would you say that this feeling, and this desire to improve their position, has increased since the passing of the Land Act?—I do not think that the passing of the Land Act has added anything to the feeling which existed before that; I do not think it has made any perceptible change in the state of things, as regards that; but I think it has tended very much to unsettle the relations between landlord and tenant, and has been injurious in the way of stimulating landlords to take action against their tenants, who, previously to the passing of that Act, had not taken any such action.

Mr.  
M. Harris.  
11 April  
1878.

Thursday, 23rd May 1878.

MEMBERS PRESENT:

Sir Walter Bartleet.  
Mr. Bruen.  
Mr. O'Brien.  
Mr. Ervington.  
Mr. Law.  
Mr. Shaw Lefevre.  
Sir John Leslie.  
Sir Joseph McKenna.

Mr. Malden.  
Major Nolan.  
The O'Connor Don.  
Mr. Plunket.  
Mr. Plunkett.  
Colonel Taylor.  
Mr. Wilson.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

The Right Honourable STEPHEN WOULFE FLANAGAN, one of Her Majesty's Justices, called in: and Examined.

Right Hon.  
S. W.  
Flanagan.  
23 May  
1878.

Chairman.

5035. You are one of the Judges of the Landed Estates Court?—I am.

5036. You have held that appointment since the year 1869?—Since 1869.

5037. Previously to that, I believe, you were one of the Masters of that Court for many years?—I may say that I have been connected with the Court since the very institution of it. In 1849 I was appointed secretary to the Incumbered Estates Commission, and shortly afterwards I was made Master; from 1842 to 1858 I acted as Master of the Court. In 1858 the Landed Estates Act was introduced, and the old Incumbered Estates Court was abolished, and my office as Master was abolished. I then went back and practised at the bar, and remained practising at the bar until 1869, when I was appointed judge of the Court.

5038. You are now one of the two Judges of the Court?—I am now the senior judge of the Court.

5039. In the year 1858 I think you stated that the Incumbered Estates Court was superseded by the Landed Estates Court?—It was.

5040. I think I am right in saying that the great bulk of the land which is sold in Ireland is sold in that Court?—Yes, certainly.

5041. With rare exceptions, the whole of the land is sold there?—I could not say with rare exceptions, because there are large sales outside the Court, but the bulk of the land is sold through the Court.

5042. Can petitions be presented by absolute owners, as well as by incumbrancers, for sales through that Court?—Yes, they can.

5043. And by tenants for life?—Yes.

5044. Is that subject to the Settled Estates Act?—Not at all; we have very extensive powers under the Act. We have, first of all, the peculiar powers conferred by the Landed Estates Act. By the terms of the Act of Parliament the definition of "owner" includes not only the owner in fee-simple and the tenant for life, but persons having, in point of fact, a lesser interest in the property; in addition to that we have incorporated in the Act of Parliament all the powers

Chairman—continued.

of the Settled Estates Act; and in addition to that we have certain clauses in the Act, commonly called the Vendor and Vendee Clauses, which are rather outside the ordinary Landed Estates provisions of the Act; their purport being to ratify contracts which the owners of estates have made for the sale of property as between each other.

5045. Practically you may say that any land in Ireland may be sold through the Court on petition?—Any land may be sold through the Court on petition.

5046. Either by the absolute owner, or, on petition, by the incumbrancer, or by the limited owner?—Yes, of course in the case of a limited owner you must not understand that if he were tenant for life of 100,000 l. a year where there was only a charge of 10,000 l., we would allow him to sell the 100,000 l. a year; we would only allow him to sell as much as was necessary to satisfy the incumbrances upon the inheritance.

5047. The Act of 1870 first threw upon the Landed Estates Court the duty of giving facilities to tenants to purchase their holdings?—It did.

5048. The Act contains two main provisions bearing upon that point?—Yes; Part 2 and Part 3.

5049. Part 2 of the Act is to facilitate the sale to tenants by limited owners and others by agreement?—Yes, by contract or agreement; they agree out of Court to sell a property for a certain price, and then they come to the Court to work out the agreement through the machinery of the Act of Parliament.

5050. That was a new power to the Landed Estates Court?—It was the introduction of a new power. When I say a "new power" I ought to qualify that rather, because the vendor and vendee clauses of the Act would give very much the same power, but not so large a power.

5051. And those powers were given specially with the view of facilitating sales to tenants, were they not?—Yes, specially with the view of facilitating sales to tenants.

5052. And there is another direction contemplated



*Chairman*—continued.

placed in the Act, namely, that under Clause 46?—Yes, that is one of the cardinal clauses of the Act.

*Mr. Brown.*

5053. May I ask, in explanation, what are the clauses to which you refer, when you speak of the vendor and vendee clauses?—Section 47 of the Landed Estates Court Act, the 31st & 32nd Vict. c. 72, says, "Whenever a contract for sale of any estate in Ireland shall be made, it shall and may be lawful for the vendor and vendee jointly, or if the contract shall so provide, for the vendor or vendee individually, as the case may be, to present a petition;" in fact, to ratify and carry out that contract between the parties.

*Chairman.*

5054. It has been explained to the Committee that the sales to tenants through the Landed Estates Court, under Part 2, have been very limited in number?—That part has had a very limited operation.

5055. Will you explain to the Committee your views with reference to the causes of the very limited operation of Part 2 of the Act?—The very limited operation of the 35th section of the Act which confers the powers is, in my opinion, due to this reason: First of all, in reference to very small holdings, owners will not contract with tenants to sell those very small holdings, because the effect of doing so would be practically to destroy the value of the residue of the property not included in the small holdings. Of course, if they could get a large number of tenants, say, all the tenants upon a townland, to co-operate and buy up all their holdings, then the 35th section would have a perfectly active operation; but the cost of bringing an estate to sale through our Court, and making out an abstract of title as you should do, is identically the same, whether it is to sell 10 acres of land, or whether it is to sell 10,000 acres of land; the cost is so great of doing so, that I think that section of the Act can never have a large operation. If I am permitted to give the history of one particular case, it may illustrate the views which I entertain of the Act of Parliament, and show some of the difficulties of working that section, the expense of working that section, and in the case of a settled estate, the loss in working that section. Now, the case I allude to was the estate of Sir Charles Compton Donville, a gentleman of very large estates in Ireland. Shortly after the passing of the Act he presented a petition under the 35th section. He contracted with a Mr. Breslin, also a well-known person to residents in Dublin, to sell him two different holdings which Mr. Breslin held from him under two separate leases; Sir Compton Donville held a very large estate, of which these holdings formed a part, under the see of Dublin, and he held those estates subject to a rent of about 500 l. a year. The rent was a mere nothing as compared with the value of the estates, because the estates were worth many thousands a year, but the rents as between himself and the estates which he was selling to Mr. Breslin exceeded the value of the estates over and over again. The first thing that occurred was this, this petition was presented, and the contract between Mr. Breslin and Sir Compton Donville was, that these holdings were to be sold to Mr. Breslin indemnified from that large head rent of 500 l. a year.

*Chairman*—continued.

year by the other estates of Sir Compton Donville. When the petition came before me, I looked into it, and considered it, and I said, "How can this be carried out; how is the indemnity to be worked out? Sir Compton Donville is a tenant for life of all his life estates, and there is no possibility of working out this indemnity;" accordingly I made a memorandum upon the petition to that effect, and called the attention of the parties to it; the parties came before me by counsel, and the result was, that Mr. Breslin and Sir Compton Donville were obliged to enter into a new contract in a manner which I took the liberty of suggesting to the parties, and it was this: under the powers of the Act of Parliament there is a power of apportioning head rents, and accordingly I said to them, "If the Church Commissioners," who then represented the see of Dublin "will consent to apportion this head rent for you, and put a nominal rent upon the part you have contracted to sell to Mr. Breslin the thing can be done." Accordingly a new agreement was entered into, and a new petition was carried out to work that out. The matter then came before me in the ordinary course of business, and when I came to look into the matter I found that Mr. Breslin, as to one of his leases, was direct tenant under Sir Compton Donville: that is to say, the lease had been made to him directly at some comparatively recent period. Of the other lease Mr. Breslin was the assignee by purchase, that lease having been made many years before. Now I should mention here that under the Act of Parliament the effect of a conveyance under the provisions of the 35th section is to wipe away every charge, incumbrance, tenancy, and everything upon the land. A purchaser under that section takes a conveyance absolutely discharged of everything; there is no power of reserving anything; the Act of Parliament is imperative upon that subject. The result of it, therefore, was that I had to enter into a most difficult investigation of the title of Mr. Breslin to his lease. I have taken a memorandum of it; I do not know that I need go into it, but there are one or two legal members upon the Committee who will appreciate this point of the case, so I take the liberty of stating what it was. Mr. Breslin held under two leases, and the aggregate amount of the rent was 142 l. 15 s. The gross purchase-money contracted to be given by Mr. Breslin to Sir Compton Donville was 2,505 l. The tenancy of Mr. Breslin was under these circumstances. The lease was a very old one; it appears that the lease was a person of the name of William White. In going into these details, I wish to explain that my object is to show that the costs of making out the title were very great, and necessarily so. In 1860, the lessee, Mr. White, made his will. He was possessed of considerable property, besides this particular leasehold, and the substance of his will was, that he gave to his wife Catherine all his property for life, with remainder to his granddaughter, Helen Denny, for her separate use, without power of anticipation. Then he put in a limitation over, that if she died unmarried, or under the age of 21, then the property was to go to another granddaughter, Sophia Denny, for her separate use, and then he charged his estates with no less than five different annuities, varying from 100 l. a year, three of them

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them being for that sum, one for 30 l., and another for 4 l. a year. He died in 1853, and Catherine, the widow, died in course of time. His granddaughter, Helen Denny, died, and her estate disappeared, and the ultimate limitation to Sophia Denny became an estate in possession. Sophia Denny, as I observed, had this limited to her separate use. She married a gentleman of the name of Goring, and upon her marriage no settlement was executed. In 1866 Mr. Goring and his wife contracted to sell to Mr. Breslin, and did sell to Mr. Breslin, this particular leasehold for the sum of 1,800 l. Mr. Breslin, in point of fact, did not get rid of all the prior annuities which were charged upon this particular lot, but he took the indemnity of the other estates. When the case came before me under the Act of Parliament, the operation of the conveyance being absolutely to sweep away the tenancy, the annuities, and everything else, I was obliged to satisfy myself that all these annuitants would release their annuities; that they were competent to release their annuities, and that they had not dealt with their annuities; and I was obliged to make searches of every possible character and description. After great difficulty and by the co-operation of these annuitants and other parties claiming under the will of Mr. White, the original lessee, the matter was brought to a successful termination, if I may call it a successful termination under the circumstances. The result of it was that I was able to carry out the contract which Sir Compton Domville had entered into with Mr. Breslin as to those two leasehold interests. Now, what was the result to Sir Compton Domville's estate? Sir Compton Domville was, as I have said, tenant for life. He sold two leasehold interests for 2,509 l., and deducting the cost of survey, which was 6 l. 7 s. 6 d., the cost of the sale was 263 l. 3 s., and I may say that the costs of the tenant's interest were not borne by Sir Compton Domville, because they were borne by the tenant himself under the special contract he had entered into with Sir Compton Domville. The result of it was that the balance available out of the estate was 2,896 l. 9 s. 8 d. The next step was what we call the schedule of incumbrances. It appears that there were family charges to a substantial amount affecting his estates generally, and the result was that I was obliged to look up the 2,896 l. The first charge upon the estate of Sir Compton Domville was a jointress, a widow. She had a jointure of 2,000 l. a year, which, of course, affected this money, but her jointure affected, in addition as a first charge, estates of 14,000 l. a year. The next charge upon the estate was a large mortgage to the Standard Life Assurance Company; that was partly a mortgage upon the inheritance, and partly a mortgage simply upon the life estate of Sir Compton Domville. The Standard Life Assurance Company were perfectly willing, exceptional as it may seem, to take that small sum on account of their mortgage affecting the inheritance, and the effect would then have been a very good transaction for the estate, because they were paying 5 per cent. to the Standard Life Assurance Company for the money. If that money could have been paid out of Court, the Standard Life Assurance Company's debt would have been reduced by 2,696 l. 9 s. 6 d., and the transaction would, as I have said, have been one beneficial for the estate.

*Chairman—continued.*

But the lady, the jointress, positively refused. Every effort was made by her solicitor and everybody connected with her to my certain knowledge (of course it was before me over and over again), to induce her to release this bond, and let the money be paid out. She said, "No, I will not do it; that is part of the estate charged with my jointure; you have no power in point of law to pay a farthing of this, without my consent," and I had not, as I believed. The result of it was that the money was impounded, and if you take it at 3 per cent., you will find that the loss of income to the estate was somewhere about 62 l. a year.

5056. Was the purchase-money invested in consols?—We always invest in New Three per Cents.

5057. And therefore instead of paying off a mortgage at 5 per cent. the money was locked up at 3 per cent.?—Yes; the result was that in place of Sir Compton Domville's representatives or creditors, as it is unfortunately, receiving 142 l. 15 s. per annum in the shape of rent, they receive a sum less than that by 62 l. per annum in the shape of dividends.

5058. You consider that in that case you had no power to release the money?—None whatever.

5059. Though the corpus of the property remaining would have been amply sufficient?—No more than if there had been a sale out of Court; anybody could have made a sale of a portion of the estate, discharging her jointure without her consent. May I now mention another case in connection with the same estate. Sir Compton Domville is seized in the neighbourhood of Dehlin of another very large estate, but held under a totally different title, not under the Church body at all, and he there contracted with another tenant of the name of Norton to sell him a portion of his estate; identically the same thing took place there again, save as to the cost of making out the title to Mr. Norton's lease, which was not so heavy. But the practical result of the two sales, by Sir Compton Domville to his tenants, Mr. Breslin and Mr. Norton, are that his estate and his creditors upon that life estate now receive less money than they did before in the shape of rent, while his rents are just as well paid as dividends.

Mr. Lew.

5060. I presume you have no means of ascertaining the cost to the tenant?—No; because the tenant contracted to pay the cost, and therefore that would have been out of Court altogether.

*Chairman.*

5061. The costs affecting those sales were increased by having to go into the title to the whole property, and to see that every incumbrance upon the whole property was met with in some way?—If we sell an acre of land, the cost of making out the title to an acre of land is just as heavy on the point of the abstract as the cost of making out the title to a thousand acres of land.

5062. Suppose the case of a tenant for life with 10,000 acres of land who wished to sell 200 or 300 acres to his tenant, the cost to his tenant would be the same as if the whole estate were sold, would it not?—Yes, the cost of making out title would be.

5063. And you have in addition to look to all the

Chairman—continued.

the incumbrances affecting that large property?  
—Yes.

Mr. Meillon.

5064. But in that particular case you referred to, is it not the case that both the difficulty and the cost were very much increased by having to make out title to the tenant's interest?—Certainly.

Chairman.

5065. It has been stated by Mr. McDonnell the Examiner of the Court, that a single tenancy will not bear the cost of investigation of title?—Certainly not, unless it is a very large tenancy.

5066. In the case of a property sold by the owner, and the price being 2,000 l. for a tenant's farm, the cost of investigating the title would be equal to 10 per cent. upon the purchase-money?—I am not prepared to say what the cost would be.

5067. I am merely quoting Mr. McDonnell upon that point?—I cannot accept that proposition as a universal one.

5068. But still the cost would be very heavy at all events?—It would unquestionably be heavy. May I be allowed to add the particulars of another case under the 35th section, because it illustrates another class of cases. In Breslin's case and Norton's case, they were what I call substantial tenancies; they were comparatively substantial holdings, and all the cases under the 35th section which have come under my notice, have been cases of that character save one. That other one was this, and it shows in my opinion the difficulty in working out that section. That was a case in the county Carrow of an estate of a gentleman of the name of Connolly, who contracted under the provisions of that section to sell to the Roman Catholic Bishop of Carrow and another clergyman, a township which was held by a number of tenants; to sell it to them in trust for all the tenants in glads. The matter went on in the ordinary course of things, but after the expiration of some time, it turned out that that was not what they wanted at all; they had contracted for a certain lump sum of money, say 2,000 l. When the title had been investigated, and things were coming to a crisis, namely, when they were about to convey the estate to the persons who had purchased, the tenants said, "Oh, that is not what we want at all; we wanted each of us individually to get our own particular holding." I said, "How is that to be done; you have contracted here to give a lump sum of money for the entire township, and that that should be conveyed to two persons as trustees for yourselves. This is a new contract, and you must modify the old one, and you must agree amongst yourselves what proportion of the purchase-money each of you is to bear." Accordingly, they had to modify the old contract, and had then to come in with an agreement amongst themselves agreeing to divide the original purchase-money, the 2,000 l., amongst themselves in the ratio of what they considered to be the relative value of their several holdings. And they did so, but they did a great deal more than that, because when the new contract came before me I found that not only had they done that, but it appeared that this was within an arterial drainage district. Under the 35th section of the Act you will see that we have

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no jurisdiction over arterial drainage; but what the tenants did was to apportion it among themselves, and agree what each man was to bear, incorporating in the contracts which they made, a provision that each of them was to bear a certain annual proportion of the arterial drainage rate. The proportions in which they subdivided that liability were, the highest 17s. 9 d., and the lowest 2 d. per annum. Now, anybody who knows the difficulty of conveying these plots of ground, knows that it would have been practically impossible to work it out, because the conveyance of each particular plot to each tenant should have run somewhat as follows: "Subject in conjunction with all the other plots (summarizing them) to this arterial drainage sum, say 5 l. a year, but indemnified as against 17s. 9 d. by the plot in the possession of A. B." and so on, going through all the plots down to the plot which indemnified it to the extent of 2 d. I mention that case as another illustration of the difficulties in practically working that 35th section of the Act of Parliament.

5069. What was the result in that particular case?—That case I hope to carry out yet; I told the parties that I could not recognise the subdivision of the arterial drainage charge; that it would involve the tenants in an enormous amount of expense, and possibly in a great amount of litigation amongst themselves. If any one of them made default in paying his 2 d. or 5 d. a year, then you would have the other parties coming upon him to recover the proper proportion he ought to have paid.

5070. Could the rate for the arterial drainage be imposed upon any particular lot under the powers of your Act?—No, the lots were so small, 17s. 9 d. was the largest proportion, and the smallest 2 d. Another, which I assume was about a medium plot, was assessed at 10 d., but under our Act of Parliament we could not touch the arterial drainage.

5071. You have now pointed out the difficulties which will accrue in the event of a limited owner wishing to sell to a few of his tenants?—Or of an absolute owner wishing to do so.

5072. If he wished to sell to the whole of his tenants, then some of them might not be able to buy, and he would meet with difficulties in disposing of the residue; would not that be so?—That would not come before me in any way, because that would be a contract. The 35th section relates to voluntary contracts out of court.

5073. That is a matter which naturally determines an original transaction of that kind?—Certainly. I should say it is the main cause as between landlord and tenant.

5074. A limited owner may wish to sell to his tenants, 20 in number, and 12 only are able to buy, he is unable to carry out that transaction on account of the residue being thrown upon his hands?—Certainly, whether he is a limited owner or an unlimited owner.

5075. Then, in point of fact, there are these difficulties opposed to carrying out Part 2 of the Act. First, the expense on the part of the owner, or limited owner, of selling to a few of his tenants; secondly, the difficulty of disposing of the residue; and thirdly, the difficulty that the purchase-money must be paid in discharging the whole of a particular incumbrance?—I am afraid I hardly understand the question.

5076. It was stated by Mr. Lynch that one of the

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the difficulties in the way of the transaction is, that you must pay off the first incumbrancer, whose incumbrance will exactly exhaust the amount of the purchase-money, who will be willing to take that in satisfaction of his incumbrance?—That is *Deville's* case. The first charge was the Standard Life Assurance Company's for 60,000 £ upon all the estates. They were not bound to take this sum; you could not have compelled them to take it in part payment; it was purely voluntary on their part to do so; you cannot compel a mortgagee to take a partial payment; he may say, pay me all or none.

5077. The *Deville* case shows that unless there be an incumbrance, which can be discharged by the purchase-money, the purchase-money may have to be locked up in the Court at a rate of interest paying only 3 or 3½ per cent, whereas perhaps the incumbrance is a mortgage paying 5 per cent?—Quite so.

5078. Therefore the limited or absolute owner would be a loser by the transaction?—Certainly.

5079. Therefore we may take it that there are very great difficulties in the way of carrying out Part 2 of the Act, namely, sales by agreement to tenants?—Certainly.

5080. I would ask if you could make any suggestion for improving Part 2 of the Act?—The suggestion which I would make is very trifling, but it would reduce the cost of sale to a certain extent. I would not make the conveyance discharged of the tenancy; I would make the conveyance, as it is in Part 3 of the Act, subject to the tenancy. The effect of that would be that it would not then be necessary to go into that strict investigation of the title of the tenancy, because, as the law now stands, we must investigate the title of the tenancy in the strictest manner, the effect of the conveyance being to eliminate the tenancy and to give the conveyance discharged from it. Under Part 3, what I may call the general jurisdiction under the Landed Estates Court, we always sell subject to the tenancy. The tenancies we find are often charged and dealt with in settlement by wills. Now, the result of selling subject to the tenancy under the provisions of the 35th section, would be that you would eliminate at once a very large amount of the expenses that are incurred in that strict investigation of title to the tenancy, which at present is absolutely essential.

5081. That would, to some extent, facilitate the operation, would it not?—It would facilitate and lessen the expense of the working of that section.

5082. In your opinion could any improvement in that part of the Act be effected by reducing the scale of costs in the case of a small transaction?—The question of costs is a large one.

5083. I am not now suggesting the costs of the Court itself, but the costs as between solicitor and client?—Of course one of the great difficulties impeding the easy transfer of land in Ireland, and also in England, no doubt is the cost of doing so, but if you mean that there is to be a special scale of costs made for transactions under the 35th section of the Act of Parliament, I really do not see how you can do it.

5084. It was stated by Mr. Urlin that there is only one scale of costs in respect of all transactions for the sale of land in Ireland, and that it would be both possible and expedient to have a

Chairman—continued.

reduced scale of costs in the case of small transactions, which would rather facilitate the working of this part of the Act; do you concur in that suggestion?—I am not prepared to say that I do. Of course I admit that when you come to a very small holding, the costs under that part of the Act are principally the costs of making out title. The title is either the title of the landlord or the title of the tenant. As I said, under the necessary operation of the Act from its frame and clauses, you can only really deal with large tenancies, but I do not see why you should reduce the landlord's scale of costs, because he chooses to come in and sell to a tenant, any more than that you should reduce the scale of costs, if he sold to a person who is not his tenant.

5085. Let us take the tenant's cost first?—The tenant's cost under that part of the Act are the costs of making out title to the tenancy. I propose so far to eliminate those costs by selling subject to the tenancy, but as to the cost of transfer to the tenant, probably that will be a matter which will crop up later in my examination, and I would rather defer that until we come to Clause 46.

5086. Do you think that any greater facilities may be given under this part of the Act by somewhat enlarging the discretion of the Court in the investment of funds which are subject to a settlement?—I disapprove in the strongest manner having any discretion whatever about the investment of funds.

5087. You have explained to the Committee that it is practically a losing transaction to a limited owner to sell land subject to incumbrance, and have the money invested in consols paying only 3 per cent. interest?—It is so.

5088. But supposing that discretion were enlarged, and investment were permitted in something perhaps not so absolutely secure as consols, but in good securities, which would return a larger rate of interest, might not these transactions be increased?—I think it would be a most dangerous power to confer upon any court. I should deprecate altogether having any discretion whatever about the investment of a suitor's money saving these particular classes of investments which the law authorises.

5089. Are consols now the only investment open to you?—We never invest in anything but Consols, or New Three per Cents.

*The O'Conor Don.*

5090. But cannot you invest in anything else by law?—I am not aware that we can. The 45th section of the Landed Estates Court Act directs the investments to be made in "stocks, funds, or annuities transferable at the Bank of Ireland."

Chairman.

5091. I gather from you that you do not think that any large transactions can take place under Part 2 of the Act, even amended as you have suggested?—No great number of transactions have taken place under that part of the Act.

5092. Then in future as in the past, the only hope we can have of numerous transactions will be in the case of properties coming in the ordinary course of sale before the Court not under Part 2, but under the ordinary transactions of the Court?—There may be amendments made in the 35th section which would perhaps facilitate the working of that part of the Act. It was suggested

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gested to me, and for myself I do not see any objection in principle to the suggestion, that its provisions might be extended, and that in place of making it a sale out-and-out, power should be given to make to the tenant fee-farm grants.

5093. That is, in fact, a totally different transaction?—It would be a *gratuit* sale to the tenant; the tenant would have to pay for getting that fee-farm grant, but the effect of giving the fee-farm grant to the tenant if you wanted to give it to tenant A. or B. or C., would not be so prejudicial to the general value of the rest of the estate as selling those particular bits, and making absolute conveyances out-and-out. It would leave the estate, in fact, still an estate in *glebe*, and the landlord would have many rights reserved over his property which he originally possessed.

5093\*. The suggestion is that instead of selling the property absolutely, you should have the power of selling a fee-farm grant?—I think the section might safely be enlarged by giving that power. I see no objection to it, but, on the contrary, I think it would be a beneficial and useful power to give to the Court; and I think that possibly, and probably, it would make the transactions under that 35th section considerably less objectionable to owners than they are at present.

5094. You would allow the owner and tenant to agree between themselves for the conversion of the tenancy into a fee-farm tenancy, or what I may call a perpetuity, at the same rent as before, or even at an increased rent, I presume?—The suggestion made to me was that the perpetuity should be at the same rent, but that the tenant should, by the payment of money, purchase the difference between the value of the rent and the value of the estate which he was getting.

5095. It being left for the Court to say whether, on the whole, the transaction is a good one for the inheritance or not?—No, not exactly that; the form of contract would be a voluntary contract out of Court.

5096. It would be for the Court to determine in the case of its being a settled estate, whether the transaction was a fair one for the inheritance, would it not?—Yes. Where an estate is in settlement we take care to serve all parties who claim the inheritance in remainder. In Sir Compton Donville's estate he had no children; his brother was the next tenant for life, and his brother's son, who is a minor, the first tenant in tail in remainder. In that case Sir Compton Donville's brother was served, and Sir Compton Donville's brother's son was served, the Court appointing a guardian *ad litem* to protect his interests. If those parties do not come in and object to the proposed sale, or in the case you put of a proposed fee-farm grant, I would assume that was a fair transaction between the parties, but we always require in addition to that, though they should not appear, some positive evidence (of course we do not go very elaborately into it) to satisfy us that the value proposed to be given is a fair value for the estate; therefore in that way we try to protect the inheritance as much as possible.

5097. In that case the tenant would pay so many years of the rental for the conversion of the tenancy into a perpetuity?—Yes.

5098. The purchase-money would remain in

Chairman—continued.

Court, or be paid out according to the discretion of the Court?—Yes.

5099. Do you think if the Court had that power, there would be many applications made to them by limited owners, with the view of carrying out the transaction?—I think so; I may add that it is not a novel power at all to confer; I have not had time to look into the Act of Parliament, but I think I am right in saying, that under the Settled Estates Act there is an identically similar provision; you may sell to a party a fee-farm grant, reserving the fee-farm rent as a portion of the price.

5100. As these perpetuities are not known in England, I should like to know what the legal effect of a perpetuity is in Ireland; what is the exact position of a perpetuity tenant?—Perpetuities in Ireland are of various kinds; there is what we call the perpetuity in fee of a lease of lives renewable for ever. A considerable part of Ireland was covered by leases for lives renewable for ever. A good many years ago that was considered to be a very objectionable kind of tenure, because practically the tenant was the owner of the estate subject to the rent, but he was bound to pay what are called renewal fines, as each life in his case dropped, in order to keep alive a continuous chain of legal estates in his own possession. Accordingly an Act of Parliament was passed in the year 1849 to convert those into what were called perpetuity grants; and under the provisions of the Act of Parliament the tenant becomes the owner in fee-simple subject to the payment of a rent, which is calculated, according to a scale laid down by the Act of Parliament, upon the original rent, adding to the original rent the value of the fines which were reserved by the lease; in some cases substantial fines, and in others nominal fines; but the tenant remains liable to all the covenants in the original lease, and to all the provisions in the original lease, but he becomes a kind of husband tenant in fee-simple, if I may be permitted to use the term.

5101. That was what I wished to understand, namely, whether these perpetuity tenants would be the owners in fee subject to a charge, or whether the fee would remain in the original owner?—No, the tenant becomes tenant in fee under that Act subject to the charge, but of course if mines and minerals are excepted in the original lease, the mines, minerals, rights of shooting, and all those things are excepted out of the fee-farm grant. The only difference is this, if there be a covenant, which is a very common thing, against alienation in those cases of lives renewable for ever, then the conversion into a fee-farm grant under the provisions of the Act I have referred to, destroys that covenant; that has been held in case after case in Ireland, so that the tenant becomes absolute owner of the property, so far as concerns alienation, and disposition of the estate.

5102. Then the kind of tenancies you would contemplate would be tenancies in perpetuity, subject to the payment for ever of a particular rent, the landlord reserving to himself the minerals, and, possibly, the rights of shooting?—Whatever terms were the terms of the tenancy; if the tenant held under a lease you would incorporate those terms in the fee-farm grant, reserving to the landlord right, after the rent he had originally under the lease.

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5103. Would

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5103. Would the tenant have the right of sub-division?—He would have the right of sub-division under the original Act of Parliament; I am not aware that anything would prevent that; but if the Committee will allow me, I will touch upon the sub-division clause presently, because it will bear upon the whole question of sub-division. Under the Renewal of Leasehold Conversion Act, I have no doubt that if a man held under a free-farm grant a tract of land of 10,000 acres, he might, if he wished, split it up into 10,000 holdings of one acre each.

Mr. Bruce.

5104. Even if there were a prohibition against it in the original lease?—Yes.

Chairman.

5105. It might make a considerable difference to the owner, if a perpetuity tenant should have had the power of sub-division?—But the Committee will understand, with regard to this new class of perpetuity tenants, that I do not suggest at all that such a power should be given to the tenant, on the contrary.

5106. We will reserve the question of sub-division until we come to that somewhat later on. Then, in your opinion, if such a power were given to the Court, considerable effect may be given to the intention of Parliament, so far as to create a class of tenants with permanent interest in their holdings?—If such a power were given to the owners.

5107. With the approval of the Landed Estates Court?—I would not require their approval of it in that sense exactly, any more than I would require it any contract; any contract between the owner and tenant out of Court is subject to their approval in that general sense.

5108. Now, coming to Clause 36, have you any remarks to make upon that?—The 36th section of the Act is, in my opinion, a very wise and provident clause. That is the clause which provides, in point of fact, in contradistinction (because I here must refer to it) to the effect of conveyances under the third part of the Act, that the following certain charges which are specified in the 36th section shall not be affected by the conveyances, namely, "quit rents and charges in lieu of tithes," that is common to both the second and third parts of the Act "rights of common, rights of way, watercourses, and rights of water, and other easements." Now, upon that part of the second sub-section, I would take the liberty of stating that, in my opinion, that particular clause ought to be extended to all conveyances which are executed by our Court.

Mr. Law.

5109. That is to say, under the Land Act?—Under the Land Act and the original Act; *a fortiori* under the Land Act, because the sub-division of property is greater; the ascertainment of rights of way is one of the most troublesome, expensive, and complicated things that it is possible to imagine, and the cost of ascertaining these rights of way is very great. I may state here that under the original Act of Parliament, which I call the Incumbered Estates Court Act, it was not at all necessary to ascertain rights of way or easements; they were things which were not in any way affected by the operation of the conveyance.

Mr. Law—continued.

It was in the Landed Estates Act of 1858 that the duty was, for the first time, imposed upon the Court of ascertaining easements and rights of way, as between the lands to be sold and the lands of adjoining proprietors. The practical working of this, as I said, has been to cause great expense, and in order to illustrate that I had a tabular statement made of some few cases of sales under the Church Act through our Court, and of some of the sales in our own Court, which were not affected so much by this provision about rights of way and rights of common. If I may take the liberty of reading them they were these: In the case of the Church Commissioners in the diocese of Clonfert, for example, the purchase-money was £2,235 l., and the costs were 125 l. 17 s. 1 d. In that case the costs were comparatively small, and the reason of it was this: that was a property broken up into large holdings and sold in large holdings, and there was very little to be done in the way of ascertaining rights of way or easements at all. The next case is the case of the vicar of the church of Christ Church, and there the purchase-money was 6,704 l. 13 s. 4 d., and the costs were only 91 l. 8 s. 7 d. In that case you observe the costs were very small in proportion to the purchase-money, but in that case there were no rights of way at all to be ascertained. Now, upon Sir Harvey Bruce's estate we sold a property for 88,016 l., and the entire costs in the selling of that estate amounted to 691 l. In the case of the Church Commissioners, in Armagh, we sold a property for 70,000 l., which you will observe was about 18,000 l. less than the sale of Sir Harvey Bruce's property, and the costs in that case were 702 l. 1 s. 4 d., being costs considerably exceeding the costs in Sir Harvey Bruce's case. Now there is no way of accounting for the large amount of costs in some of those Church cases, except the difficulty, and the complication of those rights of way. I believe the Committee have had maps before them, and have seen the extremely complex way in which many of the rights are mixed up, and the enormous difficulty there has been in tracing and ascertaining those rights of way, and deciding questions and disputes between the tenants of various kinds in reference to those rights of way and easements, and so on. Now it is the most striking, if I may take the liberty of saying so, for this reason: in Sir Harvey Bruce's case the 691 l. costs represent the cost of making out the abstract of title; the abstract of title, I may say, in that case was a heavy abstract of title. I remember it well. It represents the cost of printing the rental, it represents the cost of what we call the schedule of incumbrances; that is ascertaining all the incumbrances. There was no conflict of rights in that case, but there were family charges, and the expense incurred in tracing old charges, and ascertaining who were entitled to charges made perhaps a century back, was very considerable. In the Church Commissioners' cases there are no such costs at all; there are no costs of making out title, because the lands of the church are held by immemorial possession; at least from the reign of James, and sometimes much longer; we have no abstracts of title in the case of the Church Commissioners, and the rentals are not printed, as they are in other cases, save very exceptionally; you may print part of a rental as

Mr. Law—continued.

we did in the case of the vicars choral of Armagh; there was a residue there of which the rental was printed, but a very large portion of the rental was not printed at all; therefore, there would be no costs of printing; there would be no abstract of title, and there would be no schedule of incumbrances; no such thing is known, and there are no costs of searches. I do not know whether the honourable Chairman knows exactly the machinery, but when we sell land in Ireland, we are obliged to make very extensive registry searches affecting land; and also searches for judgments, recognisances, and judgment bonds.

Chairman.

5110. The Church property being absolutely their own property there is nothing of the kind required?—Certainly not, so that these costs must have been incurred principally in the ascertainment of those rights of way and easements, and in the determination of all those cross disputes and battles, which arise between the tenants themselves in the determination of those different rights, which existed or did not exist over the different portions that we sold to them.

5111. Had Clause 46 come within the second part of the Act those difficulties would not have existed, because Clause 38 would have applied to those sales?—Quite so.

5112. I may take it that Clause 35 ought to have been a general direction to the Court in all cases?—I think all our sales, as were originally the case under the Incumbered Estates Act, should not affect in any way rights of way, rights of common, rights of water, and other easements. Then I may mention that in England, in the Record of Titles Act, not only in Lord Cairns's Act of 1875, but in Lord Westbury's Act previously, those rights are scrupulously preserved, identically, as the 38th section says, and I infer, for the reason, that they found great difficulty in ascertaining rights of way. I have known a public road in Ireland legally shut up by reason of a mistake made in the conveyance in reference to the right of way. It is impossible to guard against mistakes; I defy the utmost vigilance to guard against them.

5113. That is a matter especially affecting sales to tenants, because, when you sell the whole of a large townland, you are not incumbered with the difficulty of rights of way as between each?—No, we do not ascertain them *inter se* when we sell the whole of an estate; it is only when we sell as between purchasers, and the smaller the holding is the greater the difficulty. Practically, as regards the form of the conveyance, I do not see the slightest difficulty in providing for it.

5114. I think you recommended that the spirit of the Act should be modified in that sense?—We did years ago; in fact a Bill was brought in, and it passed the House of Lords; but when it came down to the House of Commons, it did not pass; it was dropped.

5115. That is a matter affecting the sales to tenants rather under Clause 46, than under this part of the Act?—Clearly.

5116. Part 2 is free from that difficulty, is it not?—Quite so.

5117. Is there any other clause in that part of the Act to which you would wish to refer?—There is nothing more that I wish to refer to, with regard to that part of the Act.

5118. Then we will now go on to the sales

Chairman—continued.

effected by the Court under Clause 46, under which the Landed Estates Court were directed, "so far as was consistent with the interests of the persons interested in the estates, or the purchase-money thereof, to afford, by the formation of lots for sale or otherwise, all reasonable facilities to occupying tenants desirous of purchasing their holdings;" will you be good enough to explain to the Committee the policy which you have pursued in endeavouring to carry out that direction?—That section of the Act of Parliament is one which in my opinion it is almost impossible to work. I mean to work in the sense of enabling tenants to become purchasers of their holdings to any considerable amount. Practically, you find this takes place. An estate is brought in for sale, and a tenant of a particular holding, or two, or three, or more holdings, as the case may be, comes in and expresses his desire to become the purchaser of his holdings. The owner of the property says that these holdings cut up his property in a way which he looks upon as very detrimental to his interests, and he objects to it. When you come to decide the question between them, it becomes an exceedingly difficult question to decide, that is to say, to decide it in favour of the tenant. Of course there are cases which have been before me again and again, where the holding is so circumstanced (it may be an outlying holding, it may be a very properly defined holding, squared, and lying well together) that there is no difficulty in severing that particular holding from the rest of the townland. But if a tenant comes, and proposes for a tenancy in the middle of the townland, or two or three tenants come for holdings, to separate which would destroy practically the rest of the estate is the opinion of the owner, the owner will oppose that in every possible way. Then what is the Court to do. The parties come before the court; the owner says, This will destroy my property, and the tenant says to the Court, under the 46th section of the Act, You are bound, so far as is consistent with the interests of the person interested in the property, to afford all reasonable facilities to me to purchase my holding. Then I am bound to consider, Is that consistent with the interests of the person interested in the estate, and is the purchase-money offered sufficient to justify my ordering the sale? I am satisfied that in 99 cases out of 100 no one knows so well his own interest as the owner himself. No man can know so much as the owner, and I, deciding between owner and tenant, am naturally influenced by the opinion of the owner, because I consider the opinion of a valuator, as opposed to the opinion of the owner, being worth much. An owner knows more about his property, and the value of each particular townland and plot upon his estate, than any valuator, I do not care of what skill or competency, can by possibility know. In the owner of an estate there is a traditional knowledge, if I may use such a term, of the value almost of each particular field, and there are elements in determining the valuation of each particular field which, in my opinion, would elude the observation and the vigilance, if I may use such a phrase, of the most experienced valuator in the world. Now I will take my own county. I may say that they are all grass farms in that county, and I would rather have the opinion of a herd living upon a farm than

Right Hon.  
S. W.  
Parnell.  
13 May  
1878.

Right Hon.  
S. W.  
Finsinger.

25 May  
1873.

*Chairman—continued.*

the opinion of all the valuers in Europe. Say you bring a valuator upon a farm; he would look at it, he would dig it, he would turn up the soil, and make a very elaborate report geologically; but I say that whether this field would fatten a beast, or that field would give it red water, or anything else, are things which I defy a valuator to know so well as the herd, and in contrasting his opinion with that of the owner, or the agent who represents the owner, I would be very little influenced by the opinion of any valuator.

5119. I am now looking at the clause of the Act as it stands. It appears to contemplate the judges of the Landed Estates Court exercising their discretion or judgment in the matter after hearing on the one hand the owner of the estate, and on the other hand the tenants, either individually, or represented by the Board of Works. It appears to have been contemplated that the Board of Works should appear on behalf of the tenants, and argue the question as against the owner, before the judges?—No doubt that the Board of Works representing a tenant, or the tenant himself, should appear. The Board of Works or the tenant puts the motion of the court into action; the court then acts and decides any application brought before it.

5120. I understood you to say that in the practical working of this clause you find it almost impossible to hold that position of balance between the parties?—I think it is almost impossible to do it.

5121. I observe there was a case upon the application of Mr. Mallan, an occupying tenant, which came before your court. I wish to ask you whether this defines your position in the matter. This case is reported in the "*Solicitor's Journal*" (*Assessing a paper to the Fifteen*)?—I do not know whether it does or does not, because I do not recollect this case, but I would rather take the definition of my position from the reported case in Donville's Estate, which is reported in the regular reports. It is not that I reject anything in this particular case, but it has gone from my memory. In Donville's Estate I am reported to have said, "It is only right for me to state here what my practice is in reference to sales in this court. It is utterly impossible for me, from figures upon paper, to form an opinion more than approximately of the real value and selling price of a property. I can, of course, form an idea of it from rentals and valuations referred to; but I never sell property here, relying merely upon my own judgment as to its selling value, and without consulting the parties whom I consider interested in the proceeds of the sale; that is to say, in cases of incumbered estates, the persons representing the incumbrancers, and in cases of perfectly solvent estates, the owners of the estates. The principle I have always acted upon in dealing with an unincumbered estate is this: When the owner represents to me that the sums bid for it are not the fair value of it, I invariably reject those offers; but if, having regard to the circumstances of the case, I form the opinion that the owner is putting an absurd and capricious price upon his property, and is refusing what I consider reasonable offers, I do not allow him again and again to bring intended purchasers here to bid imaginary prices, but I dismiss the

*Chairman—continued.*

petition." That is in the case of an unincumbered estate.

5122. But the special point which I wished to bring out was the exact view which you took in determining this question, as between an owner and a tenant, when there is a sale before your court?—Each case depends upon its own circumstances. I cannot lay down an abstract principle, but, as I say, I am very materially and principally influenced by the views of the owner, assuming the owner to be an owner in the sense that he is either unincumbered, or that he has a large residue; if incumbered, I am influenced by the views of the incumbrancers, who are the parties interested.

5123. Can you mention any cases in which you have overruled the view of the owner, and have determined that the lots should be put up separately?—Yes, from memory I can give several such cases. For example, in the case of the trustees of the late Mr. George Alexander Hamilton, there was one estate in that case held under a fee-farm grant. The rent was a substantial rent, but not a very heavy rent, considering the value of the estate. There was a tenant who held one portion of the estate; the tenancy was a substantial tenancy as to amount, and a well-circumstanced tenancy in point of position; and I was of opinion that selling that tenancy detached from the rest of the townland, would not prejudicially affect the rights of the owner, or the parties interested in the estate. The case was argued before me by counsel, my present colleague, Judge Ormsby, being one of the counsel representing the Hamilton family, and I decided in that case that the lot should be put up as a separate lot, notwithstanding the opposition of the owner. But this was agreed upon, that the other lot should be put up first to public auction, and if that lot did not realise what the owner considered to be a fair price, and which was named at the time, and which was assented to by the tenant, then that the tenant's lot should not be put for sale upon that occasion, but that the whole estate should be subsequently put up together. The result was, that the first lot did realise a price which the owner considered a sufficient price for it. The next lot was set up, and the tenant became the purchaser of it as a separate lot. I may now refer to Warburton's case, which was mentioned by Mr. Urlin in his evidence, in which there were several tenants who came before me with applications to have their lots put up separately; some of these lots were in the centre of the property; the property was held under lease for a very long term of years, and subject to a substantial rent, and the matter when it came before me was decided in this way: I refused to set up certain lots which were right in the middle of the estate, which I considered would cut up the property so as to prejudice the selling value of the rest of the estate; but I did put up certain other lots separately by themselves for the tenants, and those other lots were bought by the tenants.

5124. Was that an appeal from the Examiner?—There is not really any appeal from the Examiner; but I may as well finish this matter out. In regard to this particular case, which came before Mr. Urlin, and which he alluded to in his evidence, I have now the draft rental before me. I may mention that Mr. Urlin stated in his evidence



Chairman—continued.

evidence that he suggested that certain holdings should be set up as separate holdings for the benefit of the tenants, and that the judge had overruled him. Now I have here Mr. Urlin's book as Examiner, and I may mention here that Mr. Urlin has had no experience whatever in the working of this part of the Act; he ceased to be Examiner of the court, and became recording officer about the year 1865, and the only cases which he retained as Examiner were old cases which had been pending before the late Judge Hargreave, whom Examiner he had been. I have gone through his book, and there are only two or three cases, in point of fact, of rentals settled by him, and this case of Warburton's is one of the cases he refers to. The question put by the honourable Chairman was this: "Then the tenants who came before you did not come there under Clause 46, but attended the court in the ordinary course of sales, irrespective of the Land Act?" and his answer was, "In only a few rentals has this Act been in force, as far as I am personally concerned;" that is correct; there were three cases: "but I did, in some instances, see considerable anxiety on the part of tenants to purchase, and on one occasion, since the passing of the Act, I endeavoured to frame the lots so as to suit the tenants, but in that case the owner objected. The case came next before the judge, not by formal appeal, but in the way which is usual in that court. If an Examiner has a doubt, or if the parties who have the conduct of the sale prefer it, the matter goes before the judge, and the judge declines to lot the estate for the convenience of the tenants, upon the ground that the owner does not think it desirable." Now Mr. Urlin's memory certainly in this particular instance proved very treacherous; I have his book before me; the estate was an estate called Warburton's Estate, as I have said already, and in Warburton's Estate what Mr. Urlin did was this: "8th November 1871; Mr. Carr for Foster and others applying under the Land Act of 1870 to have tenants' holdings separately lotted. I think that this estate, being held under a lease for 99 years, at a rent of 110*l.* 15*s.* 4*d.*, cannot be divided as desired by the tenants;" in other words, Mr. Urlin, in that case, so far from saying it ought to be divided as desired by the tenants, puts this memorandum in his book, and I have his final rental which came before me: "Settled, subject to the claim of certain tenants to have the opportunity of purchasing their own holdings under the Land Act of 1870. I have not divided the estate into lots, because of its being held under a lease, as within stated, at a rate of 120*l.* per acre. This should, however, be brought before the judge for his direction before the rental is printed." The case was brought before me for my directions, and the result of it was that, so far from setting upon Mr. Urlin's suggestion that the tenants' holdings ought not to be set up separately, I did put up two holdings separately; the other two holdings I refused to set up separately, because they were so interspersed in the middle that they would have broken up the entire townland in such a way as, I thought, would have been detrimental to the interests of the owner (whom, I may mention, the court were in this case especially bound to protect, because the owners were trustees for a minor, Mr. Warburton); I have found Mr. Urlin's memorandum:

Q.51.

Chairman—continued.

"Order for putting up two tenants' holdings as separate lots on December the 19th." In other words, I think that I have satisfied the Committee from Mr. Urlin's own book, that his memory proved extremely treacherous when he asserted that he had wished to put up the estate into lots, and that the judge refused to do so, when it turned out that he thought it should not be separately put up, and the judge thought it should be put up separately in those cases.

5125. The position of things is exactly reversed?—Yes.

5126. However, after all, you must be the best exponent of your own policy?—But that was a matter of fact, and therefore I was anxious to show that Mr. Urlin was mistaken about the facts; the facts are exactly the other way; I was going to say that there was only one other case, which came before Judge Lynch, namely, John Wellington Brown's case, and I find upon that a memorandum of Mr. Urlin's: "Two tenants to have an opportunity of proposing for their own farms;" and then he put "rental settled subject as above." That was on the 20th of April 1871, and on the 10th of May 1872, "Settled under proof, and posting to be brought in." I may state that in that case there were not separate holdings made to the tenant, but in that case I applied to the solicitor having the carriage of the sale, and obtained from him his bill of costs, and there is not from beginning to end a single entry of an application made by any tenant in that particular case to have his lot put up separately. That case came before Judge Lynch, and not before me; but, as a matter of fact, there is the bill of costs, and no attorney yet ever left out an item for which he would be entitled to charge, and did not make that entry in his bill of costs.

5127. Then may I take it that although you consider this particular clause imposes a difficult duty upon the judge, and that it is very difficult for you to overrule the opinion of the owner, yet that where exceptional cases have occurred, where upon the face of it a particular lot might be put up without injuring the owner or the rest of the estate, and where from its position it is perfectly justifiable to put it up, you have in such a case overruled the objection of the owner?—Yes.

5128. In that case you overruled the objection of the owner?—In that case I did it contrary to the wish of the owner; but on referring to the map, which is in evidence, you will see why I did it. They were small lots which were upon the outside or boundary of the property, and so situated in reference to the road, that my opinion was that they could not by any possibility injure the sale of the rest of the townland.

5129. The cases come before you by way of appeals from the Examiner, do they not?—That is hardly the case, because the Examiner has no jurisdiction to decide these cases at all.

5130. But, in the practice of the court, it is for the Examiner to determine these matters?—The matter goes before the Examiner, and in the first instance he exercises his judgment upon the question, and then the parties come before me, if they are not satisfied with what the Examiner has done.

5131. I ask these questions particularly, because it appears from what Mr. Dobbs has stated, that

Right Hon.  
S. W.  
Flanagan.  
13 May  
1872.

Right Hon.  
S. W.  
Pittenger.  
13 May  
1876.

*Chairman*—continued.

that there is some difference of practice between him and Mr. McDonnell upon that point. Mr. Dobbs stated that he himself never thought he was justified in overruling the opinion of the owner?—I may state that I have not read either Mr. Dobbs' or Mr. McDonnell's evidence; but I know their views perfectly well, because the working of the Examiner's business is such that they are in daily and hourly communication with the judge. If a case is before the Examiner, and he feels any doubt or difficulty about it, he comes to me; there is no formal order, because he cannot make an order; he consults my views, and he acts upon them.

5133. Perhaps, upon that point, I might read to you the answer given by Mr. Dobbs. I asked him this question: "I gather from your evidence that your practice differs from Mr. McDonnell's in this respect, that you have never, at the instance of a tenant, directed that a separate lot should be put up to auction at an upset price?"—We never did that.

5133. Then I asked him, "You have only practically sanctioned a private sale if the owner agreed to it, but you have not directed the property to be set up at an upset price;" to which he replied "Never, but I would not refuse to do so if the owner consented;" and then I asked him, "Apparently there were two cases in which an appeal was made from you to the judge, and the judge decided in those cases that those two holdings should be put up against the will of the owner?" to which he replied, "That was done." Therefore, apparently, there must have been cases in which the people were dissatisfied, and the case came before you?—No doubt; but I may mention that in one of those cases Mr. Dobbs makes a mistake; he referred to this case of Warburton; but that was Mr. Ullin's case. When he came back he told me what his evidence had been, and I told him he had made a mistake about that; that that case was not before him; however, there is that difference in practice that in Mr. Dobbs' chamber he does not put up the property at the upset price, and in Mr. McDonnell's he does. The difference originated really in this way: the best mode of selling to the tenant was rather tentative, and experimental, and Mr. McDonnell entertained a very strong view that the best thing to be done was, in point of fact, to get a kind of auction before himself, and to put an upset price upon it, and then to have the property taken to the sale with that upset price.

5134. I adverted to the evidence of Mr. Dobbs, not so much with regard to the question of upset price, as with regard to the difference of policy pursued by two Examiners in respect to their action against the will of the owner?—The two things appear to me to be very much mixed up.

5135. There appears to be a difference of practice?—The matter appears to turn upon the upset price very much.

5136. Will you be good enough to explain that?—In referring to this point, Mr. Dobbs held one view, and Mr. McDonnell held another, and I let them take their own course, with a view of seeing which of the two would ultimately prove the more advantageous way of having the property sold in the interest both of the tenant and of the owner. I may say I believe, practically, that up to a certain date more estates were sold to tenants in Mr. Dobbs' chamber than in Mr. McDonnell's. Now the tide has turned the

*Chairman*—continued.

other way, and last year I think there were more sold in Mr. McDonnell's than in Mr. Dobbs' chamber; but I prefer Mr. Dobbs' to Mr. McDonnell's system, comparing the two systems with each other; that is to say, not accepting the offer of the tenant in the chamber without coming to me, and putting an upset price upon the lot, and letting the lot go to auction. My view is, that if you put an upset price, sell it to the tenant out and out; there is no use going through the form of bringing it up to auction again, because, where the holding is small, it is idle to tell me that any man will bid against the tenant. I do not say they never do it, but very occasionally and rarely; they hardly ever do it. I should like to see the man who would bid against a tenant if his holding were put up separately. I think it would be a very bold man who would venture to do that. If it is a very large holding, a man will bid against the tenant; but I do not see the least use in ascertaining first what the tenant will give for the property, and then, having ascertained that, and the owner not objecting, putting it up to auction; why not sell it at once, when the owner does not object.

5137. It is open to this objection, that the tenant goes into the court with an upset price upon him?—Quite so. Now I come to Mr. Dobbs' practice. My experience is that the tenants get the property more cheaply and on more reasonable terms when they simply lie by, and put the business in the hands of a respectable solicitor, and enter into no correspondence with the parties having the carriage of the proceedings; in fact, do not let their hands be seen, if I may use the term, and come into court and bid by some third party. The way the tenants come into court and bid is most amusing. You have one party starting up in one corner of the court, dressed up in a very respectable black coat, having all the appearance of a man returned from America with money, and another man starting up in another corner, they bidding each against each, and half-a-dozen people besides, all bidding. But they are all representatives of the tenant; they all understand each other; it is a regular organised thing. I admit they are constantly defeated, because the parties see through it; they have ascertained through different channels that the tenants are on the look-out for the property, and take measures to prevent it being sold at an unfairly low price. But on the whole my experience is this, that the tenants will get the property more cheaply when they buy it in public than when they go before the Examiner, and each make contracts for it piecemeal, and when it goes before the court through the form of what I call really a mock auction, for practically it amounts to that in nine cases out of ten.

5138. But to revert to the point which I raised, namely, whether there was not a difference of practice as to their action in directing that the lot should be put up against the will of the owner; what is your view upon that point?—I suppose, if the evidence be so, it must be so. The difference would be that in the one case the owner would come before me objecting to what the Examiner had done, and in the other case the tenant would come before me objecting to what the Examiner had done. In the case of Mr. Dobbs the tenant would say I object to the action of the Examiner; he ought to have put this up as a separate

Chairman—continued.

separate lot. In the other case the owner would say I object to the action of Mr. McDonnell; he has put up the property as a separate lot, and I object to that being so.

5139. I do not wish to make any objection to Mr. Dobbs' practice, because that is a question of very great difficulty, and delicacy?—I do not think that practically the different lines the two Examiners take has imposed any particular hardship upon the tenant.

5140. You do not think it has resulted in fewer transactions being concluded in one court, as compared with the other?—I think not; I think if I took the Duke of Argyll's return I could show you that down to the date when that return was brought up there were more sales in Mr. Dobbs' office than there were in Mr. McDonnell's office.

5141. As I understand, the cases in which Mr. McDonnell overruled the objection of the owner were very few; they were either cases where the holdings were so detached from the bulk of the estate that they could be sold separately without detriment to the estate, or only in bits, which might be altogether cut off without detriment to the estate; is not that so?—But my principle always has been that the owner's interest is the paramount thing in the working of that clause. When you come to a question between selling to a tenant and yielding to the landlord's objection, if you do not sell it to the tenant he is at all events no worse off than he was before, whereas if you sell it contrary to the wish of the owner he may be thousands of pounds out of pocket.

5142. But though it may be to the detriment of the owner that a particular lot should be taken out and sold separately merely at its valuation, yet at a price it might be worth his while to part with it?—But the price in many cases must be very large for that to be so.

5143. Suppose you take the case of a townland having 15 tenants upon it, 10 of these tenants being prepared to buy at a price, and to give, say three or four years' purchase beyond the average price, then it might be worth the while of the owner of the estate to sell it to them?—That is the case, above all others, in which I personally would leave it to the owner to exercise his judgment, because I do not think you are entitled to expose the owner to the risk of having a residue, which he may, perhaps, be obliged to sell at a loss.

5144. In your opinion it would be impossible for the court to overrule the owner in such a case as that?—"Impossible" is a strong term; but, practically, I think it is exceedingly difficult to overrule the opinion of the owner, and I would rather put it in that form.

5145. Will you state to the Committee the reasons which have led to this clause not having led to great a result as might have been expected by those who framed the Act?—I have already stated the reasons why I consider that, under the 46th clause, the owners will not sell their property to tenants; they will not run the risk of having residues left on their lands unsold, and therefore, unless the tenants will come in, or such a number of them will come in as will satisfy the owner that by the sale of these particular holdings at the prices offered by the tenants he cannot lose in the sale of the residue, the owner will not assent; he will come in, and

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Chairman—continued.

will object in every possible form and way. Of course I have read Mr. Vernon's evidence, and I may say that I entirely concur with Mr. Vernon in the view which he takes of this 46th section.

5146. You agree with him that the section has imposed upon the Landed Estates Court a duty somewhat abnormal to their ordinary duties?—I do not know that I am prepared exactly to accept his language; I do not think it is abnormal in that sense. I do not see that there is anything abnormal to our duties in it; but it has imposed upon the court a duty which it is almost impossible to work out.

5147. I asked Mr. Vernon this: "The position is a difficult one." He says, "I think the Examiners' Court are in a false position; I think under the Act they are made preferential auctioneers?"—I have no hesitation in saying that that I agree with the principle of Mr. Vernon's evidence.

5148. Without binding yourself to his exact words, you agree with him in substance, that this Clause 46 has thrown a very difficult duty upon the court?—I think it is one of those difficult and delicate duties, which it is almost impossible to work in the sense of expecting tenants under it to become purchasers to any considerable extent.

5149. I presume it would be competent for the Legislature to say, to any owner of property, if you come into the Landed Estates Court to sell your property you must accept all its conditions?—I believe it is competent for the Legislature to do anything; they may take away a man's entire property, if they think.

5150. The Landed Estates Court is an exceptional court in itself, is it not?—No doubt.

5151. It is intended to give facilities for the sale of property, and the court is carried on at considerable expense to the country?—It is.

5152. I am not now arguing whether it is right to do so; but it would be competent to the Legislature, would it not, without infringing in any way the rights of property, to say, if you come into the Landed Estates Court to sell your property you must abide by all the consequences?—It would infringe upon the rights of property very seriously; and I might say this: that if I were particularly fond of having plenty of leisure time, nothing would give me more pleasure than to have such a clause in the Act of Parliament; that would shut up my court at once.

5153. The Legislature might say to the owner of property, if you come into this court, which is carried on at a great expense to the public, you must put up your property in such a way that the tenants shall have the opportunity of purchasing?—Yes, quite so.

5154. If the Legislature made such a provision as that, your answer would be that the owners would not come into the court?—You would shut up the court. Having stated the effect, I will illustrate that by a case in point. Our purchases by the tenants have been made as regards the great bulk of them, in the case of the large estates. I have here an imperfect list of large estates sold by what I may call unincumbered owners. By an incumbered owner, I do not mean a man who has 40,000 l. a year, and who owes, say 20,000 l. I consider him an unincumbered owner. Now, taking first the case of Lord Donoughmore, the purchase-money was about

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about 30,000 £; in that case, we sold only a trifle of this property, but if you had made the sale dependent upon the condition that it must go to the tenants, he would not have sold an inch. We had Sir Harvey Bruce's estate, which we sold for 80,000 £; and Lord Dufferin's estate, which we sold for 200,000 £, and the Marquis of Waterford's estate, which we sold for 432,000 £. It is a small slice out of the Marquis of Waterford's estate, and though they were very large sales to tenants in that case, yet if you had made it a condition that the Marquis should have sold to the tenants, he probably would not have brought his property into the court at all.

5155. I am not now even suggesting that the condition should be that they should absolutely sell to the tenants, but I am putting forward the suggestion of a condition, that if they come into the court they shall break up their properties in such a way that the tenants shall have the opportunities of buying?—I think, if you put such a condition upon the sale, they would not come into the court at all; and the way I arrive at that is by showing that these men are mostly perfectly independent men; they will say, if you do not sell the property except with that condition imposed upon it, we will not come into the court at all. I have an estate here which was brought by Mr. Malbolland; he bought it in one lot. I have millions of property upon this list, and even then it is an imperfect list, and I can only say that if you impose upon the owners of the property the condition, that if they brought the property into the court, it should be split up as the judge thought fit, you would exclude all these estates from the court, and the tenants would consequently suffer, because these estates would not go into the court.

Mr. Law.

5156. The owners could get declarations of title, and sell outside the court?—No doubt. I know an estate in the north of Ireland belonging to Lord Powerscourt, covered with small tenements. Lord Powerscourt would not bring it into our court; he sold it all out of court to Mr. Duville, and in the same way another large estate in Wexford, a beautiful estate covered by substantial tenants; that was all put up in one lot.

Chairman.

5157. Looking through the sales which have been effected in your court to the tenants, it appears to me that there have been very few cases in which detached lots have been sold, but that unless the majority of the tenants of a property have been able to come before the Examiner and say, We are prepared to buy our holdings, the minority have seldom or never had an opportunity of purchasing?—That is not so. As a matter of fact, when an estate is not honey-combed, as it is termed, by detaching these particular holdings we have sold repeatedly. In the Waterford estates there were 900 and odd tenants, and about 171 tenants purchased.

5158. But I presume they were groups of tenants?—No, they were spread about a great deal here, there, and everywhere.

5159. Supposing there were 20 tenants on an estate, it would be very rare that 10 or 12 of them would be able to buy on account of the difficulty

Chairman—continued.

of the residue?—I should think it would be very difficult indeed to sell to them.

5160. As far as I can judge of the sales that have been effected in your court, it has only been when all the tenants of a particular part of an estate who have been grouped together have been prepared to buy, that any sales have been made, and that the difficulty of the residue has prevented a large proportion of the tenants buying?—I have no doubt that the difficulty of the residue has unquestionably kept out a great number of the tenants, because the owners will not, as I said before, deal with tenants when they see there is such a large number of tenants outside those desiring to purchase, or unless they can see that the price of the residue will recoup them for any possible loss, as compared with the sale of the whole townland.

5161. Do you wish to make any suggestions to the Committee for the improvement of that part of the Act with a view to increasing the number of sales to tenants?—My view, with regard to the 45th section, is that you will never have sales to tenants in any number until, practically, you adopt, what I may call, Mr. Vernon's suggestion; that is to say, you must sever altogether the duties of the court, as selling on behalf of the owner, from the duties of the court as selling to the tenants. I am talking now of the small tenants, or in other words, you must have, as Mr. Vernon put it, some persons who would, in the interests of the tenants, be prepared to come forward and buy in bulk from the owner of the property which he offered for sale, and then that body, call it what you like, should under powers to be given to them, redistribute that property, and then sell it back to the tenants, if they had satisfied themselves by previous inquiry that such transaction would be beneficial or a safe one on their part to undertake. The Committee, I am sure, will understand that these are merely very crude suggestions which I am making. I mention them just as they arise to my mind; but what I would propose for the working out of this plan would be somewhat as follows: first, I would suggest that all the jurisdiction which the court has under what I call the Bright clauses of the Act, should be worked by one of the judges, instead of two, as at present; then I would suggest a body to be made up of, say, the other judge of the court, with the assistance of one of the numerous bodies we have in Ireland say, for example, the Board of Works, or the Commissioners of the Valuation Office. I, myself, would rather suggest the Valuation Office, who, from their peculiar functions, possess special facilities for valuing land, and ascertaining the value therefore of tenants' holdings, so far as a valuator can ascertain it. Then I would suggest that that body might be assisted by some person, say, in the position of Mr. Vernon, who would aid them with his knowledge of the value of property in Ireland, and his experience of the management of land, and that they should be the body to work out these transactions with the court. One judge of the court to have the absolute management of the sales, as the two judges have at present, and that he should put up the property to auction in one or more lots as the owner chooses, which, in my opinion, as I think I have said, is his right. Then this other body formed, as I have suggested, or in any other way which the Government thought fit,

## Chairman—continued.

It should have the power of going into the market, and purchasing that property in the court, either by private contract, or at public auction, as they may think fit; that body having, as I will assume, observed the description of property advertised for sale, made all preliminary investigations, ascertained whether there were a great many of the tenants who wished to purchase or not, or whether having regard to the number of those who wished to purchase, and the amount of residue which they could not purchase, and that it would be a desirable transaction for them to enter upon. I assume that they have decided that, and are declared the purchasers. Then the judge upon whom that particular duty would devolve should, by some easy mode, I would suggest something in the nature of a vesting order, which in this case would be a mere scrap of paper, convey to this other body all this estate which the court had sold to them. Perhaps the Government might assist them by not requiring a very heavy stamp duty. Then this body would redistribute the estate amongst the tenants with the assistance of the officers of our court, in going through the details and settling the rentals, which would be always necessary between the tenants themselves. Of course that would leave a question about the residues, because there are a certain number of tenants necessarily in all these cases, who would be either unable or unwilling to purchase.

5162. I presume this branch of the Landed Estates Court, or this Commission, would not be set in motion, unless it were found that a great proportion of the tenants were prepared to buy?—That would be so; I presume they would not embark in the transaction, and buy from us, unless they had ascertained that they would be tolerably safe in doing so, namely, that there would be a certain number of tenants who would buy their holdings; and if there were any residue left, they should be dealt with in this way, namely, that this body should have the power of giving those other tenants fee-farm grants, at such a rent as this body might consider it right to do. It would necessarily be an increased rent over and above the rent then payable by the tenants, and then these tenants having these fee-farm grants, the Commissioners should sell by public auction those fee-farm rents. My reason for suggesting that is this, I think that in dealing with those residues, the difficulty is not so much selling the residues as really protecting the tenants of the residues, because where there are residues of this kind, and these residues are put up by public auction for sale and bought, you get a class of purchasers and landlords, whom I look upon as about the greatest curse you can inflict upon the country. They consider the matter as a mercantile transaction in the extreme sense of the term; their whole object in buying these small residues being to extract from the unfortunate small tenants, who have lost the protection of their former landlords, the very highest penny which by possibility they can. I think that unless you protected the tenants of the residues by giving them fee-farm grants in that way you would be doing an amount of injury which, in my opinion, would be simply incalculable. I fully believe that as the purchasers of these small residues (for of course I am pre-supposing that they would be comparatively small and undesirable, as being detached

## Chairman—continued.

plots), you would get little shopkeepers who had made 200*l.* or 300*l.* in trade, or them who lend money at a very usurious rate, "gombeens," we call them in the west; in every townland there is a man we call a "gombeen," and when a tenant gets into difficulties he lends his money at a most usurious rate. These men would become the landlords of the tenants, and I say deliberately that a greater curse cannot be inflicted upon the tenantry of Ireland than a system of selling property which would leave the residuary tenants in their power; they are the most merciless, the most avaricious, and the worst class of landlords that can by possibility be put over an unfortunate body of tenants.

5163. I presume you look with some alarm to the sale of the residues of the Church property to people of that kind?—I do, I confess.

5164. And you would advocate with respect to their remaining sales something of the same policy as that which you suggest with regard to your own?—But as I understand the quantity of their tenancies remaining is so small; from the last report, I take at 1,005.

5165. Mr. O'Brien put it at about 2,000, and the report at 1,000?—I have been so puzzled about the numbers, that I do not like touching upon them.

5166. But even a thousand tenancies represent a thousand persons!—But we are bound to assume that of one thousand tenants, a very large proportion would become purchasers themselves, and of course the residue would be a comparatively trifling one.

5167. I presume the effect generally of the Landed Estates Court for the last 25 years has been to break up large properties, and to sell them as small properties?—Not to the extent which is generally considered, in my opinion. The large properties when broken up, as of course they are, are not bought as a rule by people who had no property before. As a rule they are not bought by people who have no connection with the county, but by people who had property there before; it is rather a redistribution of the property within the county than a bringing in of new men. There were undoubtedly in the Incumbered Estates Court a large class of speculators Englishmen, Irishmen, and Scotchmen, and companies were formed for buying up properties, and now and then we did get in strangers; but I would say that the working of the Landed Estates Court from 1856 down to the present time has not been to bring in to any large extent small proprietors, or persons not connected with property before in the same counties; whenever it has been so, it has been a great misfortune. I look upon the largest landlords of Ireland as the best landlords, and I look upon it as a great misfortune when a large property broken up and resold to small purchasers.

5168. It has been stated that there has been great alarm felt among tenants at the prospect of a sale to land jobbers?—I quite believe that.

5169. That would show that there had been a considerable number of those land jobbers and speculative purchasers who have bought property in the Landed Estates Court, and who have endeavoured afterwards to make the most of the property without regard to the feelings of the tenants?—I am quite sure of that.

5170. And you fear that, if any sales are effected to tenants of any important portion of properties

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properties in the way you suggest, the residence will be more likely to be bought by people of the land jobbing and speculative class, than by the larger owners of the property in the counties adjoining?—Quite so, and by the worst class. Even where strangers bought before the passing of the Land Act, that is to say, before the Bright clauses of the Act, though those may have bought, who were not a very desirable class of proprietors, those would be infinitely more undesirable, because, as a rule, the former purchasers bought for 5,000*l.* or 6,000*l.*, or whatever it may have been, and, although speculators, they were persons in a better position of life, more educated, and more likely to treat the tenants somewhat better, or at all events, not quite so badly as the tenants would be treated by the class of speculators who I am satisfied would come into court now.

5170. Then you consider it would be necessary, at the same time as you are making better provision for the sale of their holdings to the larger class of tenants, or to those who are better off, that you should take some security against the smaller class of tenants falling into the hands of people of this kind?—It would be all-essential.

5171. And you propose to do that by providing, after having sold to the substantial tenants, or those able to buy, that the residue should be dealt with by converting their tenancies into fee-farm grants?—Yes.

5172. Would that be upon payment of a certain sum, or charging an increased rent, or what?—I have no view about that; it might be one or the other; a tenant might be able to pay a portion of the money, and to buy the fee-farm rent; in that case they might prefer not increasing the rent, but getting the fee-farm grant at the old rent, or it might be that they were in such a position that they really could not advance any money; I would protect them in that case by giving them a fee-farm grant without paying any money down.

5173. The officers charged with this duty would feel their way in the matter; they would be guided by the circumstances of each individual case?—No doubt.

5174. If they found the rents were low, they would think it perhaps their duty in giving fee-farm grants to increase the rent somewhat; or on the other hand, they would make them pay something, as I was suggesting?—I would put them in a position absolutely of owners dealing with the property as they thought best in the interest of the trust reposed in them, and in the interest of the tenants.

5175. Having created these perpetuities or fee-farm tenancies, they would sell them in the open market?—Yes.

5176. You think there would be a market for these properties?—I think there would be a market for them; people with small capital would invest in them, and would do no harm, as they would get interest for their money.

5177. Substantially, I understand your proposal is in no degree different in principle from Mr. Vernon's; that is to say, in order to carry out sales to tenants upon a substantial scale, and really to carry out the intention of that part of the Land Act of 1870, it would be necessary that the property should be bought in the first instance by some department or commission, who should then resell to the tenants?—In my opinion

Chairman—continued.

it is the only way in which you can protect the interests of owners of property; and, the next step in my opinion, it is the only chance you have of selling largely to tenants.

5178. Then having regard to the interests of both owner and tenant, that is the direction in which in your opinion it would be wise to proceed?—Quite so.

5179. And unless you proceed in that direction, you cannot expect any grant effect to be given to the intentions of Parliament?—Certainly not.

5180. We might perhaps at this point revert to the question of what is the meaning of a perpetuity tenancy, and especially the effect upon it of sub-division?—I should take very good care that these holdings should not be sub-divided; I am presupposing that class of holdings to be of so small a character, that the tenants are not likely to buy; therefore I assume them to be holdings which would not admit of sub-division.

5181. As I understand you, under the present state of the law a fee-farm grant can be sub-divided?—Yes, it can.

5182. Did I rightly understand that you would alter the owners' position somewhat; that you would leave the fee in the landlord?—No, I would leave the fee-farm grant to operate as a fee-farm grant, but I would make provisions in those grants, that is to say, I would reserve to the landlord mines, and minerals, rights of shooting, and sporting, and rights of entry, to see that the grantees did not interfere with the improvement of the estate generally, and the making of drains or opening of water courses, and things of that kind; in fact, I would incorporate into the fee-farm grant such covenants and such provisions as a prudent landlord would make in case he were making a lease to these tenants; I would not give a fee-farm grant to a man, if I thought he would prove an obstructive.

5183. You would also incorporate a provision against sub-division?—Unquestionably; I would not allow of sub-divisions at all in the case of fee-farm grants; I am not talking about sub-division under the Act, as it now stands.

Mr. Plunket.

5184. But would you suggest making that sub-division a cause of forfeiture by the tenant of his holding to the purchaser of the fee-farm rent?—I would make the sub-division void, I think.

The O'Connor Don.

5185. You would not go so far as to make it a forfeiture of the man's interest?—I do not think that I would go as far as that; I cannot say I have considered the bearings of the question exactly; I am only giving very roughly the ideas floating in my mind.

Mr. Linn.

5186. Adequate provision against sub-divisions is what you recommend?—Yes.

Chairman.

5187. In the case of an ordinary sub-tenancy, the sub-division would effect an avoidance of the sub-lease?—In Ireland we have had so many laws about landlords and tenants, that a most accomplished lawyer, even such as the honourable and learned Member for Londonderry, would

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would be baffled in saying what the relations of landlord and tenant are. There is an Act called Baron Denny's Act, by which the old laws about alienation and sub-division are repealed, and re-enacted with amendments. The courts of law have put a construction upon that Act of Parliament which amounts to this, that where a man sub-divides contrary to the provision in the lease against sub-division, that sub-division is a perfect nullity. If I, having a chattel interest, alienate and sub-divide, there being a covenant or a provision to the contrary in the original lease, and if I sell the interest to another man, say for 1,000 £, or no matter what the amount of it may be, the creditor of the original lessee can issue execution against him, and take that lease in execution, and sell it over again; it has been that this sub-division or alienation is a perfect nullity, even as between the parties themselves.

5188. Sub-division or alienation does not make the original lease void I believe?—That depends upon the conditions of the lease altogether.

5189. So in this case it must depend upon the nature of the provision which the owner inserts, is guard against sub-division?—Yes.

5190. Of course you would have to guard against these things by express provisions in the fee-farm grant?—Yes, precisely.

5191. I gather from what you have stated that you consider it would be necessary to strengthen the Landlord Estates Court with the view to this object, by associating with them either in the shape of Commissioners or in some other form, some person representing the Valuation Office or the Board of Works, and possibly even by some outsider like Mr. Vernon, bringing special knowledge to bear upon the subject?—It would be necessary to strengthen the Court unquestionably, because I think it would be devolving upon the Court duties which the Court is not particularly well suited to discharge. A judge knows no more about the value of land or agriculture than any other man in the community, and probably less than most men. With the judge I would associate some body like either the Commissioners of the Valuation Office or the Board of Works, as might be thought fit; it would be unnecessary to associate both. I mentioned more particularly the Valuation Office because they have a large staff of men in their employ who would be able to ascertain what the value of the land would be. I further consider it would be desirable to associate with this body some person in the position of Mr. Vernon, who knows the country well, who understands agriculture, and who is an experienced agent, and who in that way is able to form a competent opinion as to whether any particular purchase would be desirable, or whether any particular purchase would be safe or not.

5192. You stated just now that in the event of a fee-farm grant being made, it would be necessary, in your opinion, to incorporate a clause against sub-division: I presume that in cases of purchases directly by the tenants, at all events after the charges are paid off, you would leave them free to sub-divide?—I presume your question means as the Act exists at present. I confess that I myself have a strong view about that clause of the Act. I must say that I see no principle in that clause of the Act. The provisions of the Act, as they exist at present, are these: that if a man buys under the Bright

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clauses, and if he borrows a certain sum of money from the Board of Works, then he is not to be at liberty to alienate, sub-divide, or sub-let his holding. Now, with reference to sub-letting holdings, I think the Act was a very wise one. I think that sub-letting is about as injurious a thing as can be, and any one who has any experience of landed property will, I think, support my opinion in that respect. But when we come to alienation of property, I cannot understand why, if I am owner of an estate, I should not be permitted to alienate it. What can it matter to anybody in the community whether I remain the owner or not. The thing which the Board of Works have to guard is the security of the public. The Board of Works lend a sum of money, having regard to the value of the estate, and if the value of the estate is sufficient in my hands, why should it not be sufficient in the hands of my alienee.

5193. That is to say, providing the whole of it be so?—I am distinguishing alienation from sub-division. Now I come to the next step, namely, sub-division. Alienation in this branch of the clause, which is not a skillfully drawn clause, I assume it to mean alienation to one man in whole.

5194. And *à fortiori* devising, because that has been held to be a violation of the clause; the Treasury have held that, as probably you are aware?—I would not say the Treasury are wrong about that; it is the opinion of Mr. Butt, and he is a man who would take naturally a strong view in favour of the tenant. He has written a treatise upon the subject, in which he appears to have anticipated every point which could be taken under these Bright's clauses. He says at page 414, "If the tenant obtains the loan, he, of course, subjects himself to all the liabilities already pointed out. He is for the 35 years placed under the most penal obligation against alienating, assigning, sub-letting, or sub-dividing his holding without the consent of the Commissioners. The obligation is enforced by imposing as a penalty for its violation the forfeiture of his estate in the lands which are to be held by the Board for public purposes. To the extent of controlling these alienations as well as enforcing those annuities, the Commissioners must exercise a very close supervision over every tenant who has availed himself of the facilities for obtaining a loan." I agree with him about that. Then Mr. Butt goes on to say: "It must be remembered that these stainable restrictions may be violated by a testamentary disposition, and a will drawn in ignorance of their effect may create a forfeiture of the entire interest in the farm." In fact, I remember myself a case in which I had the pleasure of reading an opinion given by a member of the present Committee; it was a very curious case under the Bright's clauses. A substantial man bought a property in the north of Ireland, and made his will before he had taken out his conveyance, and died. By his will he sub-divided the farm which he had bought amongst his children. In that case there would be no question about the will working a forfeiture, because though it may not have been an "alienation" within the terms of the clause, it certainly was a "sub-division," and therefore within the terms of the Act a forfeiture. The case came before us to convey the property between the parties

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parties claiming under the will. There were many difficulties, but that was the cardinal one. I said, "Here is a forfeiture of the interest. I cannot do it without the consent of the Board of Works. I do not, in fact, think I have jurisdiction even with their consent, but if they agree I will do it." I think that case was submitted to the opinion of the honourable and learned Member for Londonderry, and, if I remember rightly, think there was considerable difficulty in getting out of the awkward position in which the unfortunate devisees were; it was a case of great hardship, but ultimately the thing was worked out. I mention that to show that this provision against alienation, and, to a certain extent, against sub-division, may create the forfeiture of the entire property to the man holds.

5195. Then with regard to the provision affecting mortgaging, can you see any purpose in that?—I do not see any whatever, because if a man has bought a property he may well be at liberty to mortgage it. If he has bought an estate and mortgages it, and is virtually a pauper, the sooner he is got rid of the better; but how is the public or the Board of Works affected by it.

5196. The mortgage does not affect the security at all?—Not in the least. Why should the public interfere with me if I have property, and tell me I must not mortgage it? If I affect their interest well and good, but if a tenant mortgages his estate, I can see nothing to object to. I think the fear you leave the tenant the better for the country generally. It may be necessary for the proper working of the holding that he should mortgage it, and therefore it is for the interest of everybody concerned. At any rate, if he is not able to meet his mortgage he will be sold out, and you will get a solvent man instead of an insolvent man, and therefore it is desirable, I think, that there should be unrestricted power of alienation.

The O'Connor Don.

5197. Would you see no danger in this unrestricted power of alienation to third parties in this way: Supposing this power of alienation to exist when an estate is put up for sale, if the tenant purchases it he will get advantages from the Government upon very advantageous terms, whereas if an outsider purchased it he would not get those advantages. If mortgaging were permitted, would it not be possible for an outsider to say: You go and purchase, I will advance you the money, and then when you have purchased you will hand it over to me?—I would not see any objection to that, because my theory is this: I would prevent the possession of the land being severed from the ownership of the land, by prohibiting sub-letting; whether it is a speculator or not who comes in the shoes of the tenant in that way, it comes to this only, that the tenant sells his holding to that man and goes; you had one tenant and you now have another, because the purchaser, if not a tenant, must get rid of it in some form or other; he cannot work it himself.

Chairman.

5198. The point which the honourable Member has raised probably will be met by what you are going to tell us about sub-letting?—I consider that, severing the ownership of the land in these small holdings from the possession of the land would be ruinous, but with reference to sub-

Chairman—continued.

division I think it is a question upon which there may be considerable difference of opinion.

5199. You would contemplate some provision against one of these small owners having become the possessor of the property, sub-letting it as a whole to some other person?—I would not allow that at all. I think the experience of the world proves how undesirable that is. I think the experience of Flanders, where perhaps the land is more sub-divided than in any other part of Europe, shows what ruin it is to allow that to be done; there you have the most rack-rented tenants in the world; they are rack-rented because they have over them a number of these small proprietors who are the worst landlords the tenantry can have over them.

Mr. Bruen.

5200. The point which the honourable Member for Roscommon put to you was this: whether an outsider could not take advantage of the borrowing powers under the Eight clauses of the Land Act to purchase the holding of the tenant in the name of the tenant; that is to say, getting all these advantages of borrowed money. You say that he could not do so, because you would put in provisions against sub-letting and alienation. My question would be this, whether this possible purchaser could not get rid of that objection by, as soon as ever the conveyance was completed, repaying to the Board of Works the advanced money, and so entering into possession, and getting rid of all the clauses against sub-letting and alienation?—No, because if you will permit me to follow up my observations against sub-division, I am about to show how I would guard against that.

Chairman.

5201. I will put the general question: what provision do you think should be maintained or made in future against sub-division?—My theory about sub-division is this: first of all, I say that there is no logical principle in the clause as it stands now, and I will demonstrate that in this way. Under the provisions of the Act, as it exists now, a man may be a tenant either of 1,000 acres or of five acres. Under the Act you allow the man of five acres to borrow money, and you advance it to him, and you allow the man of 1,000 acres to borrow money, and you advance it to him, therefore you recognise the existence of holdings of even five acres. Now what logical principle is there in saying we will advance money to the man who has only five acres, and we will advance to the man who has 1,000 acres, but we will not allow the man who has 1,000 acres to sub-divide them into two farms of 500 acres each; I can see no principle in that, but, of course, I admit that the State is bound to guard against the extreme sub-division of land which did exist, and which still exists in many parts of Ireland. I would do it in this way. I would prohibit sub-divisions below a certain extent. I would not prohibit a tenant, no matter how small, from availing himself of the provisions of the Act, and becoming the purchaser under the provisions of the Act, but I would allow every man who becomes the purchaser under the provisions of the Act, to exercise the ordinary rights of every proprietor, and to sub-divide his property as he thought fit, provided he did not sub-divide it below a certain point. I would not allow a man who had bought



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100 acres to cut it up into 20 holdings of five acres each, but I would not at all object to a man who had bought 100 acres, saying, I will divide it into plots of 25 acres each. When I say acres, I mean valuation, because, of course, one acre here may be worth nothing compared to another there. You may have 40 acres in Mayo not worth one acre of land, say, in Limerick, but I would allow sub-division to some extent; of course, the exact limit is a matter of opinion. Putting it broadly, I would not allow a man to sub-divide who was not a man having a substantial holding. I would not take the rent as the test, but the valuation. A farm valued on the tenement valuation at, say about 15*l.* a-year, would probably represent a rental of about 20*l.* a-year, and I think a man of that kind is a man who is perfectly well able, in the present condition of Ireland (and I hope we shall improve in course of time), to support and maintain a family with sufficient comfort; and there is no danger I think, if you do not allow sub-division below that point, of having the property turned into a rabbit warren. Perhaps I may here take the liberty of referring to some evidence which was given before Mr. Maguire's Land Tenure Committee, as quoted by Lord Dufferin in his book on Land Tenure in Ireland. The question asked was what is the smallest area which a tenant can cultivate with advantage, or over which you would extend the protection of a lease. I would regard the area down to which I would allow sub-division as the area over which a landlord would grant a lease. Mr. John Dillon, who was known to be a great advocate of tenant-right, stated that "he would not grant a lease to man who held a very small or bad farm," and then he says, "20 acres of good land, at a fair rent, was the holding on which he could live with comfort." Then an honourable Member of this House, who was examined before that Committee, Mr. McCarthy Downing, gives this evidence; he is asked what he considers a small holding, and he says "from 15 to 20 acres;" he is then asked, "Do you consider so small a holding is good, either for the country, the tenant, or the landlord," and he says, "If I had land without any population on it, I would rather not have so small a holding as that, though if the tenants were there I would not remove them." Then he says, "From my experience, a tenant paying 25*l.* per annum is as good a tenant as a larger one." Then he is asked, "That would be a man holding 40 or 50 acres," to which he agrees. Then there is this further passage in Lord Dufferin's book: "Even the Catholic Bishop of Cloyne, when pressed to agree the minimum area on which a farmer could live, admits that 'small farms, with any amount of industry, must be precarious,' and that a tenant to be comfortable ought to have '20 acres or upwards,' which Mr. Curling," who I may say is an agent of very extensive estates in Limerick, says "he would not be disposed to give a lease even to an industrious and punctual tenant, unless his farm were over 15 acres in extent." Now, Mr. Dillon was a man of extreme opinions; the Bishop of Cloyne held strong opinions upon this question, and Mr. Curling and Mr. McCarthy Downing, all concur in this, that a tenant must have as a minimum a holding of about 25 *l.* a-year rental; and I entirely concur in that opinion, as far as my

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experience goes. Therefore I think, although I would authorise and sanction sub-division for the reasons I have stated, I would not allow sub-division to go below a certain minimum, and the minimum, I take it according to the tenement valuation, would represent 20 *l.* a-year, or so, of rent.

5202. That is to say, supposing a tenant holding land with 40 *l.* a year, were desirous of sub-dividing his property into two, then notwithstanding the Board of Works has advanced a loan upon the land, you would permit him to divide it in half?—I would, if each portion when divided would represent the value that I have stated.

The O'Connell Dan.

5203. Then how would you apportion the charge upon the divided land?—Ratably. Of course the charge would override the whole. I could not apportion it; but the occupiers as between themselves would apportion it ratably.

Chairman.

5204. I presume you would only retain any such restriction as long as the charge of the Board of Works remains?—I am prepared to go further. I would make it a kind of permanent restriction upon the estate. If a man comes and avails himself of the provisions of the Bright clauses, and borrows money under those clauses, I think the State is justified in imposing conditions upon him for the general good of the country, and I think it would be good for the country that these minute sub-divisions should not be permitted either during the 35 years or afterwards; because the term of 35 years has nothing to do with the principle. After the expiration of that time, I would affix that restriction as a condition inherent in the property.

Mr. Bruen.

5205. But what means would there be of enforcing that condition after the purchase-money had been paid?—I admit that that would be a great difficulty; you would then have to incorporate some such provision as exists in the present Act about forfeiture, or as exists in Baron Deasy's Act about making sub-division a nullity; no man would make a sub-division if he knew he had no title to that which he acquired by sub-division.

5206. You would practically disable him from making a particular contract?—Quite so.

Chairman.

5207. So long as the State has a hold upon that property, upon which it is advanced by way of mortgage, it seems to have the right to interfere with the disposition of the property; but when that charge is over, it does not appear that there is any one who could call the owner in question?—In matters of opinion, *not scilicet*.

5208. But I ask how would you carry that restriction into effect?—My view is, that the State advances a sum of money to a man upon certain conditions very advantageous to the tenant, one of which is, that he should make a certain annual payment. I think the State is therefore justified, in the interest of the public, which I consider to be involved in the matter in imposing the further condition, that after he had paid off the debt, or during the currency of the debt, he was

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not to be at liberty to do, what we think to be against the interest of the State, namely, subdivide his holding into a large number of small holdings. I am taking, what I consider to be the minimum upon which a man can live comfortably.

Mr. Law.

5209. Might not serious difficulty arise in this way: In the future investigations of title would it not be necessary to discover whether a piece of land purchased in the open market had ever formed part of a property upon which an advance had been made?—No doubt, in course of time, that might be so.

Major Nolan.

5210. I presume your limit of 20 acres would not extend to original purchases?—By no means.

Chairman.

5211. Before we go into that point, I would ask you whether you would retain any prohibition against sub-letting, as well as against alienation?—I consider sub-letting infinitely more objectionable than alienation.

5212. I think the Supplementary Act contains a certain amount of power to sub-letting to labourers; what do you say with regard to that?—I would not interfere with that; I do not consider putting a *bonâ fide* labourer upon an estate sub-letting at all; it is just as necessary to the farm and its proper working, as a horse and cart. I do not consider that a violation of the principle of the Act.

5213. Would you allow sub-letting up to the point that you allow sub-division; say a person having 60 acres, would you allow him to sub-let 20 acres?—I would prohibit sub-letting absolutely.

5214. Then upon that point I may ask you your opinion with reference to the point raised by Mr. Stuck as to the difficulty which has arisen upon the construction of the Act in regard to holdings, of which portions are sub-let?—That originated in this way: the late Judge, Lynch, who was the senior Judge of the court at the time when this Act was passed in 1870, and myself, after that Act was passed, considered, as it was our duty to do, all these clauses of the Act of 1870 very maturely, and we formed the opinion that the tenants contemplated by the Act of Parliament were tenants who were in the occupation of the lands, and excluded altogether holdings of land where the tenant was not in the occupation of the holding. Of course, if that construction of the Act of Parliament was a correct construction, where a portion of a holding was sub-let, the tenant was not then the tenant of the holding within the meaning of the Act, because as he had sub-let a part, he was not in occupation of all, and the Act, according to our construction, only applied to the case of a tenant being a tenant in occupation of all. I do not know that I need trouble the Committee with the process of reasoning by which we arrived at that conclusion.

5215. You considered that that was the correct construction of the Act?—Clearly; we had not a shadow of a doubt of it, either one or other of us. The result of that was, of course, that cases cropped up in which we found the Board of Works were proposing to make advances to tenants where there had been lettings or sub-lettings

Chairman—continued.

of part of the holding (whether large or small was not a question which we could go into at all); the question was whether the holding was in the occupation of the tenant, because if it was not, it was not a holding in our opinion within the meaning of the Act. The Board of Works, we found, in two or three such cases, were lending money, and upon those cases we had a correspondence with the Board of Works. I do not know whether I need trouble the Committee with it in detail.

5216. I do not think it is necessary to have it in detail, although the ruling on that point has no doubt been a great obstacle to purchases being effected?—I may state that in two or three of the early cases we approved the Board of Works consenting to a loan being made, but when we came to consider the matter maturely, because I need not say that in the construction of a new Act of Parliament new points are cropping up every day, and the most experienced persons reading an Act of Parliament cannot take in the whole bearing of it all at once; it is only as the Act works on that you see a difficulty starting up here and there. I say, on mature consideration, we came gradually to the conclusion that there was no jurisdiction upon the part of the Board of Works to make any advance, unless the holding were entirely in the occupation of the tenant. The Board did not appear to concur with that view, and we then put ourselves in communication with the Treasury, and wrote a letter to the Treasury, which I will take the liberty of reading. The letter was dated the 11th December 1872. It was written by our registrar: "My Lords,—I am directed by the judges to transmit, for the consideration of your Lordships, the copy affidavit of William Thompson, a tenant purchaser in the estate of the Marquis of Waterford, upon which an application has been made to the court for a charging order in favour of the Board of Works under the provisions of the 45th section of 33 & 34 Vict. c. 48, Part III."

With regard to sub-tenancy, we require as part of the practice an affidavit to be made by the tenant stating whether he is in the occupation of the holding; whether he has sub-let any part of it, and whether he has charged it; and in this particular case it appeared from the affidavit of the tenant that there was a gentleman of the name of Ash, a Justice of the Peace, who was in possession of a mill, and holding eight or nine acres of land, paying a substantial rent for them, upon this plot that Thompson had bought; and we were determined then, having formed this opinion, to bring the matter at once to a crisis, and were anxious to ascertain, the public being the parties really interested, what the views of the Treasury were upon the subject, with the view of having the matter decided one way or the other; accordingly we wrote under the circumstances this letter, "Having regard to the statements contained in the 5th paragraph of this affidavit as to the sub-tenancies therein referred to, it appears to the judges that the provisions of the 45th and 45th sections of this Act were intended to apply to tenants in the actual occupation of their holdings, and not for the benefit of a tenant who, as in this case, must be regarded as a middleman in respect of at least a portion of his holding; the applicant relies in support of his application upon the consent of the

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the sub-tenants and upon the letter of the Secretary of the Board of Works, dated 2nd December, herewith sent; I have to request that you will be pleased to state for the information of the judges if in the opinion of your Lordships the court should in this case, and others of a like character, make the charging orders provided for by the 45th section." Now we wrote to the Treasury for this reason; of course the Treasury were the parties, I may say, directly interested in seeing that those annuities were properly and legally charged upon the holdings upon which they were advanced, according to the provisions of the Act; and as we could not bring the Board of Works to have the matter decided, we wrote directly to the Treasury. The answer of the Treasury was dated on the 8th January 1872, and without troubling the Committee with the details of the answer, it amounts in substance to this: that the Treasury adopted our views, and considered our construction of the Act to be the correct one, and, in point of fact, gave, consequent upon them, directions to the Board of Works that they should not in any case advance money, where it appeared that the tenant was not in the occupation of the entire holding. The next step in the matter was the Amendment Act, as I call the Act of 1872. By one of the sub-sections of that Act certain classes of tenancies, that is to say, certain agricultural holdings of limited extent, were taken out of the operation of the principal Act, so far as forfeiture was concerned. The result of that upon the action of our Court was this, that we sanctioned after the passing of that Act loans to all tenants where in point of fact the sub-lettings were sub-lettings within the meaning of the Act of 1872, and did not exceed the lettings which were sanctioned by the sub-sections of that Act of 1872.

5217. You did not think that you were justified in going further than that?—No, of course, we considered the original Act in full force, but the Act was modified *pro tanto* by the Act of 1872, and acting then upon the modification

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contained in the Act of 1872, we modified our practice accordingly.

5218. In fact, it might have been a question whether or not the Act of 1872 gave you that discretion?—It might have been a serious question; we considered it a doubtful point, and we solved the doubt in favour of the loans, there being the opinion of the Treasury that, in point of fact, we were justified in doing so.

5219. But you still considered that in point of law you were not justified in going to any extent further than that?—I am satisfied of that.

5220. Do you think it would be wise to make any relaxation of the law with regard to sub-letting?—No, I am strongly against it.

5221. Therefore, that point, I suppose, may be considered as having been sufficiently gone into?—I think so.

5222. With regard to alienation; I gather that you think it would be expedient to draw a line in the way of permitting alienation of properties worth about 20 *l.* a year?—Upon a valuation which would represent a rent of from 20 *l.* to 25 *l.* a year.

5223. Although you consider that it would be desirable to draw such a line in future in the case of alienation, I presume you would not consider it wise to draw any line of that kind in the creation of new owners under the Act?—No; I think that where the tenancies are subsisting tenancies, if any of these tenants are willing to come in and avail themselves of the provisions of this Act, it would be a most invidious and impracticable thing, and would create a great amount of bad feeling to attempt to exclude them. I would not interfere with the existing state of things, but I would prevent the creation of new divisions as far as possible.

5224. You would recognise the fact these small tenants exist, and you would facilitate their becoming owners as far as possible; you would not create any new line between those who should become owners and those who should not?—I would not.

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Flanagan.

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Monday, 27th May 1878.

MEMBERS PRESENT:

Sir Walter Barttelot.  
Mr. Broen.  
Mr. Chaine.  
Viscount Crichton.  
Mr. Harrington.  
Mr. Hoggate.  
Mr. Law.  
Mr. Shaw Lefevre.  
Sir John Leslie.

Sir Joseph McKenna.  
Mr. Meldan.  
Major Nolan.  
The O'Connor Don.  
Mr. Plunkett.  
Mr. Phunkett.  
Mr. Richard Smyth.  
Colonel Taylor.

GEORGE JOHN SHAW LEFEVRE, Esq., IN THE CHAIR.

The Right Honourable STEPHEN WOLFE FLANAGAN, called in; and further Examined.

Chairman.

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5235. In your evidence on the last occasion you made a suggestion to the Committee, that with the view of carrying out further the policy of the Bright's Clauses of the Land Act, the duties connected with that part of the Act should be entirely entrusted to one judge of the Landed Estate Court, and that there should be associated with him some Government officer, such as an officer of the Valuation Department, and some person, in the position of Mr. Vernon, representing a great knowledge of land in Ireland; did I understand you to mean by that that the duties of that part of the Landed Estates Court and of that judge should be entirely devoted to that one object?—By no means. The business of the court, as it is at present, could easily be divided in such a way as that the judge upon whom would devolve that particular branch of the business could take up a great deal of other business.

5236. The Committee are not then to understand from that that one judge could be spared from the other duties of the Landed Estates Court in order to devote himself wholly to that part of the work?—Certainly not.

5237. It would be necessary that he should still continue to conduct sales in the ordinary course of the duties thrown upon the Landed Estates Court?—Quite so; in my opinion, the judge would have ample time, by a proper redistribution of business, to undertake those particular duties in the way I suggest.

5238. Still leaving him to conduct a good deal of the ordinary work of the court as he does now?—Quite so.

5239. Your suggestion would involve the necessity, would it not, of the court being entrusted with funds for the purpose of carrying out this scheme?—Necessarily.

5240. Have you at all considered from what quarter those funds could be obtained?—I think that is a matter for the wisdom of Parliament. I have no view to offer to the Committee with regard to it. Of course I have heard the Church Fund pointed at, and, on the other hand, I have

Chairman—continued.

heard a great many objections to that course being pursued. There are so many rival claimants to the Church Fund that I do not name it for the purpose of carrying out this scheme. I say, whatever funds Parliament, in its wisdom, may consider applicable.

5231. The proposal would involve considerably more than a mere loan of Government money through the Board of Works; it would involve an actual expenditure of money in buying the land from the owner to resell to the tenant?—It would, of course.

5232. Therefore it would be absolutely necessary that the court, or body entrusted with this duty, should have actual funds in hand for the purpose?—Necessarily.

5233. Have you had any experience yourself with reference to the advantage of the control of the Treasury?—I may say that if the duties were to be imposed upon me personally, I should deprecate all direct interference of the Treasury.

5234. Is it your experience, that in the past that control has not been useful?—My experience is that it would be utterly impossible to work a scheme of that kind with Treasury control, although I think the supervision of the Auditor General should be exercised over the accounts. From what I have seen in connection with a case under the Church Commissioners which is before me for judgment, I think the Auditor General discharges his duties with such an amount of severe care that there is no possibility of anything occupying his attention in the way of accounts; but the actual discretion with reference to the expenditure which takes place before auditing the accounts must, in my opinion, be given to that body.

5235. At present there is something more than a mere audit of the accounts of the Board of Works; there is an actual control on the part of the Treasury, involving a decision on their part with reference to the matter of expenditure?—The Board of Works, if I may use the term not offensively, are the clerks of the Treasury.

5236. All

Chairman—continued.

5236. All the decisions which have been given with regard to the finance of the subject, have been the decisions of the Treasury in England?—Entirely, as I understand and believe.

5237. And that is the control which you deprecate?—I deprecate it in the strongest way.

5238. You think that if such a duty as has been pointed at is given to the Landed Estates Court, it would be impossible to carry it out, unless they are freed from the control of the Treasury?—I do not think any judge would submit to the control of the Treasury; I can speak for myself that I would not.

5239. Supposing the Imperial funds are dealt with in this manner, would it be, in your opinion, possible to free them from the control of the Treasury?—I can only say, as you put the matter to me on the last occasion, that Parliament is all-powerful, and can do anything it thinks fit. Of course the body would necessarily be subject to the control of Parliament; and if they did not apply the funds either wisely or properly, they would very soon be checked, and Parliamentary authority brought to bear upon them.

5240. I presume you would still propose to continue the advances to tenants repayable by instalments?—Certainly.

5241. Have you formed any opinion with reference to the advisability of increasing the proportion of that advance?—Perhaps I may be permitted first to answer your question indirectly. I have been reading some of the evidence which has been given before this Committee, and it appears to me that there is a misapprehension as to the amount of advance which can be made by the Treasury. It has been taken for granted all through the evidence that the amount of advance which only can be made is two-thirds of the purchase-money. That is not so. Under the original Act the amount of the advance permitted is two-thirds of the purchase-money, but under the Act of 1873, the Amendment Act, it is "two-thirds of the value of such holding as assessed by the Board"; in other words, I can fancy numberless cases in which the Board of Works would have full power to advance the entire purchase-money.

5242. That is to say, provided, in their opinion, the price given by the tenant is below the value of the land?—I am putting a case in which the estate is sold to the tenant subject to a lease; that the tenant has a beneficial lease, say a lease under which he is paying 10*l.* a year, when in truth the actual value of the land, if the lease were expired, would be 50*l.* a year. Upon the construction which I understand has been put upon the Act of Parliament, the maximum of advance is two-thirds of the purchase-money, which would be two-thirds of the rental value plus the value of the reversion, but it is two-thirds of the value of the land, you must take into consideration the value of the tenant's interest in his holding; therefore, two-thirds of the value of the land would be less in many cases than the full amount of the purchase-money.

5243. Did I understand you to consider that under the Supplementary Act of 1873 the Board of Works, or the Treasury, would be justified in taking into account in any advance they make, not only the price paid, but the tenant's interest in the land?—The words of that Act of Parliament are totally different from the words of the

Chairman—continued.

original Act. The words "two-thirds of the purchase-money" are altogether dropped, and there is another expression brought in, namely, "two-thirds of the value of the holding as shall be assessed by the Board," and that would mean the land in possession discharged from every interest in the land; therefore, two-thirds of the value of the land might exceed considerably two-thirds of the purchase-money.

5244. In point of fact the Board of Works has been in the habit of considering only the value of the land occupied by the tenant?—I do not know how the Board of Works have acted, because that does not come under my cognisance at all.

5245. In your opinion would the Board of Works be perfectly justified in taking into account not only the price which is paid by the tenant in the Landed Estates Court, but also the tenant's interest as occupier?—My opinion is that under the Act of 1873 the Board of Works are bound to do that; when I say "bound," of course they have a discretion, but the Act of Parliament points to a limit, and therefore I presume that the Act of Parliament was intended to suggest to them what they ought to do.

5246. Therefore there is a certain general direction which they would be justified in the ordinary course in regarding?—Yes.

5247. Therefore I need hardly ask whether it would be a perfectly safe transaction on their part to advance not only the two-thirds of the purchase-money which is given by the tenant in the Landed Estates Court, but two-thirds considered with respect to the tenant's interest, as well as the actual value of the land?—In a great majority of cases I can imagine that would be the case, but I think that in some cases it would not be so.

5248. In many cases the advance would amount probably to three-fourths of the price, would it not?—That would involve a little mathematical calculation; in some cases the amount would be three-fourths, and in some cases the whole amount.

5249. What would you consider the average value of the tenant's interest as compared with the purchase price?—That is impossible to say; because if you have a beneficial lease the tenant's interest is very valuable.

5250. But taking the ordinary case of a tenant from year to year, would you put down the tenant's interest at five years' additional purchase?—I could not put a value upon it; but if you put it in this way, that the land is land in possession as contradistinguished from land in the occupation of a tenant, I am quite sure that five years' purchase-money would not represent the difference. But I am not talking of small tenancies; I am talking of substantial and large holdings.

5251. Do you refer to holdings of 50*l.* a year?—I refer to holdings larger than that, because I have never had occasion to sell small tenancies in possession; but with reference to large holdings, such as a tenancy of 100 acres, or anything of that kind, if you can get land in possession, the difference of price is perfectly unmeaning.

5252. That would seem to be some guide to the mode of estimating what the value to the purchaser is, namely, what the land would sell for as land in hand?—I think that would be a fair measure of its value.

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5253. It has been represented to this Committee that in the case of small tenancies the tenant's interest is generally proportionately higher than in the case of large tenancies; that is to say, that the interest of a small tenant sold and tenant's interest would fetch a higher price relatively than in the case of a large tenant?—I have no experience upon that point.

5254. But still I may take it generally as the result of your evidence upon this point, that under the existing Act of 1872, the Board of Works have a power of going considerably beyond even two-thirds of the price given by the tenant in the Landed Estates Court, and that they may take into account the tenant's interest?—That is my construction of the Act.

5255. There is another point upon which I must ask you with reference to your practice in your court; namely, the difficulty which is created in these sales of holdings to tenants by the existence of annuities and jointures. It has been represented to the Committee that in some cases sales to tenants have been prevented by overriding jointures or charges, which prevented the separation of particular lots from the bulk of the property, so that individual tenants should be able to buy. I think in some cases you, as one of the judges of the Landed Estates Court, have felt yourself able to make a charging order notwithstanding the existence of such jointures?—I have done so in several cases.

5256. But the other judge of the court, namely, Judge Ormsby, has taken a different view upon that point, I believe?—I do not like exactly to speak about Judge Ormsby's practice, but I believe you are correct. The truth is, Judge Ormsby has very little experience as yet in these cases, for they crop up very occasionally, but I will assume it to be so, because I know that Mr. McDonnell, who is his examiner, has acted upon that view.

5257. I do not wish to be understood as throwing the smallest imputation upon Mr. Justice Ormsby, because it is a point of law upon which there might be difference of opinion, but I am pointing out the possible expediency of amending the law in that sense, so as to make this point free from difficulty?—If you will permit me, I will just tell you what my construction of the Act is, and give you an illustration of the cases in which I have given a charging order. The 48th section of the Irish Land Act of 1870 is very imperative in its terms; it declares that "Every annuity created in favour of the Board, in pursuance of this Act, shall be a charge on the land subject thereto, having priority over all existing and future estates, interests, and incumbrances with certain exceptions which do not include rent charges. Of course, the effect of this is, that whether there be a jointure of 1,000 *l.* a year, or 500 *l.* a year, or whatever it may be, if a loan is made by the Board of Works, and a charging order is given, under the 48th section of the Act, the effect of the annuity which the Board of Works get is absolutely to give priority to that annuity over the jointure, and over all other incumbrances upon the estate. Whenever a loan has been made by the Board of Works, the 48th section makes it imperative upon our court to grant the charging order; we have no discretion whatever. The words of the Act are, that when a loan has been made by the Board of

*Chairman—continued.*

Works, "The Landed Estates Court shall, by order, declare such holding to be charged with an annuity." The result of that is, that in a case of that kind, if the Board of Works who are the parties to make the loan, think fit to make the loan, the court has no discretion in the matter, but is absolutely bound to make an order declaring the land to be charged with the annuity. There are many cases in which that question arose when this Act first came into operation. I remember the Marquis of Waterford's case, in which there was a very large annuity payable to the Dowager Countess of Shrewsbury, or some member of the family, by way of jointure. That annuity overrode all the holdings that had been sold. Many of the tenants purchased their holdings, and after they had purchased, the Board of Works started the question, and wrote a letter to the court, stating that the effect of making advances in that case would be to give priority to their annuity over the jointure of the Dowager Countess of Shrewsbury. Accordingly they suggested to the court this difficulty, and called upon them to see what they could do in the matter. This is the letter from the Board of Works, dated the 25th of October 1871: "I am directed by the Commissioners of Public Works to state, for the information of the Judges of the Landed Estates Court, that several memorials have been presented to the Commissioners by tenants on various lots of the estate of the Marquis of Waterford and his Ladyship's trustees, praying for loans under the provisions of the Landlord and Tenant (Ireland) Act, 1870, to enable them to purchase their holdings. The Commissioners observe from page 18 of the rental advertised for sale before the honourable Judge Lynch, 12th December next, that all the lots will be sold subject to an annuity of 1,000 *l.* per annum for the life of Sarah D. Elizabeth, Dowager Countess of Shrewsbury, but that a deed of covenant is to be executed by the marquis and his co-owners covenanting to pay the annuity out of other estates. Although it is thus proposed to exonerate the estate for sale from the annuity, it is to be borne in mind that there will be annuities reserved to the Commissioners in respect of any advances they may make under the statute referred to, and that they will have duration for 35 years, and have precedence of her Ladyship's annuity, therefore, the Commissioners think it right to bring the matter under the notice of the judge, so as to guard against the possibility of any disturbance of Lady Shrewsbury's annuity, because in such a state of circumstances the Commissioners are not disposed to make loans to tenants without the sanction of the court." The judges, in answer to this letter, wrote to the Commissioners to this effect, "I am directed by the judges of this court to acknowledge the receipt of your letter of the 25th ultimo, and to convey to the Commissioners their sense of the great importance of the matter referred to in this letter, and the letter addressed by you to me upon the 2nd ultimo. The judges submit that, as a general rule, where property is sold subject to paramount charges, the Commissioners, before making advances to purchasing tenants under the provisions of the Landlord and Tenant (Ireland) Act, 1870, should require that the owners of these charges should either release the lands from same or else expressly consent to their being postponed to the annuity

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equality created by the Act; for it is plain that if such advances were made by your Board without regard to these paramount charges, very grievous injustice might often be inflicted upon the owners of them by the effect of the 48th section of the Act. The judges are, however, very anxious that the beneficial action of the statute should not be stayed upon grounds which could be construed as merely technical; and, therefore, in accordance with my letters of 27th January and 15th October, they direct me to convey to your Board their desire to co-operate with the Commissioners in carrying out its provisions, and to give to each particular case, as it may be brought before them, their consideration." The result of that was that after this whenever there was an annuity, jointure, or any charge upon an estate, and the lots were sold subject to the conditions of sale, the Commissioners were in the habit of referring the matter to us, and asking us whether, in our opinion, it would be prejudicial to the interests of the annuitant, or the person entitled to the charge, to lend the money to the tenants. You will perceive, as I have said before, that under the 48th section, the annuity is paramount to everything which is charged upon the lands. The practice which I adopted was in each particular case, according to this understanding with the Board of Works, to consider (having regard to the rental of the estate, and having regard to the character of the annuity, whether the annuity might be for life, or for the life of a very aged person, charged upon an estate of very considerable value, or on the other hand, a personal annuity) whether or not it would be materially prejudicial to the annuitant to allow the loan to be made. Where in my opinion it could not affect practically the value of the annuity on the charge, I then gave a certificate to the Board of Works, that in my opinion making an advance to the tenant would not prejudice the interest of the annuitant. You will understand distinctly that I consider this 48th section, in principle, to be an unjust one; I do not consider that it is a justifiable thing where the jointure or annuitant has no interest in the loan or the advance made to the tenant, that her annuity or jointure should be postponed to the loan made to the tenant. But under this 48th section the Legislature thought fit to give the Board of Works, to impose upon them, in fact, the duty of making loans in cases which would have, in fact, the effect of displacing the priority of the jointure, or the annuity. Consequently, whenever an application came before me, though I was not the person to decide whether the loan ought or not to be made, I considered the Board of Works would not have been justified in nullifying the effect of this section, and saying, "We refuse in all cases where there is a jointure or charge, to make a loan to tenants," because that would have been taking upon themselves to repeal the Act of Parliament.

5258. Practically, under the Act as it now stands, the responsibility rests with the Board of Works, but they are in the habit of asking your advice, and you give them the advice by saying that you will make a charging order in that particular case?—Quite so.

5259. The effect of that being done is that the charge of the Board of Works takes precedence of any such annuity or jointure?—Quite so.

5260. You are not in the habit of doing that

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unless you see that the remainder of the estate is amply sufficient to relieve the annuitant, or jointress, of any possible loss?—Quite so. I have never done it save when, in my judgment, I came to the conclusion that making the loan to the tenant could not affect the market value of the jointure to the extent of one shilling.

5261. Judge Ormsby has taken a different view, and has declined to recommend the Board of Works in the same way as you have done, and I apprehend the Board of Works have not in these cases thought themselves justified in making such advance to the tenants; therefore, upon similar cases arising in the other branch of the court, the sale has not been concluded, in consequence of the judge declining to give his advice to the Board of Works?—I find that in the Southwell estate the point had arisen before Judge Ormsby, and that acting upon what I may call the advice of Mr. McDonnell, or the representation of Mr. McDonnell, which I thought was a mistaken one as to what had been the practice in our court, Judge Ormsby refused or suggested to the Board that they ought not to make the loan.

5262. In the future, this difficulty is likely to be a more important one than in the past, because if the transactions under your proposal become numerous, it will be apparent that the residues left to bear such jointures or annuities will be smaller in the future than in the past; and that, therefore, some method must be devised of meeting the question of jointures and annuities?—Justice requires, I think, that any loan to be made to a tenant should be *pari passu* to the jointure or charge; the jointure or the charge is a totally independent estate; it has no connection beyond a purely accidental one with the lands that are to be sold; and it appears to me that you might as well charge my estate for the benefit of a tenant on a holding, as to give priority to the annuity of the Board of Works over the jointure. Then again, if you will permit me to observe, it is not a mere question of priority which is involved, it is another, and a very serious question, namely, that of forfeiture which is involved, because if you make an advance to a tenant, and the effect of that advance is to postpone the jointure, if the tenant then violates any clause of the Act about alienation, sub-letting, or sub-dividing, the holding is *ipso facto* becomes forfeited to the Board of Works, and becomes divested of everything; the jointure is gone, the charge is gone, and everything is gone.

5263. The security for it is gone?—Yes, it goes to the Board of Works; it would be a forfeiture of the jointure's interest.

5264. I presume the cases of estates being subject to annuities are not uncommon?—Not at all; jointures are very common.

5265. Supposing an estate of 2,000 *l.* a year came before you under the proposal you have suggested to the Committee, charged with a jointure of 500 *l.* a year, and supposing in that case you found that three-fourths of the tenants were disposed to buy, and that your court, with the view of facilitating the operation, buys *ex grædo*, and recedes to the tenants, how would you deal with the jointure in such a case?—It would be an extremely difficult thing; I think it would practically limit the operation of the Act by, in many cases, excluding that class of property from

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from the functions of that particular body. If there be a large jointure, you must, in dealing with it, necessarily provide for it, as between the different tenants themselves, without reference at all to the question of priority, because the question of priority is as between the loan made by the Government and the jointures, but your question I understand pointed to a different thing, namely, how are you to deal with the tenants themselves. You can only deal with them in one of two ways, and they are both highly objectionable. One way would be by making one lot so large as, in point of fact, practically to amount to a sufficient indemnity to the rest of the estate for the payment of the jointure. The practical effect of that would be to withdraw a large portion of the estate from the immediate operation of the Act, because you would have to lump together a large number of holdings, which would be of sufficient value to meet the jointure. I should be very sorry to buy any of the lots, unless the lot upon which the jointure was charged was worth something considerably beyond the value of the jointure, because one must make allowance for the possibility of the jointure not being paid regularly. Then if, on the other hand, you sell the whole of the estate, subject to the jointure, you would have to parcel out the amount amongst say a hundred tenants (in the Marquess of Waterford's estate it would have been nearly one thousand tenants, and the jointure was 1,000 £ a year in that case), and distribute the property in certain rateable proportions as between the tenants themselves, each of them being to cross-indemnify the others from the amount of the proportion assessed on each particular holding; in fact, it would probably cause great litigation.

5266. In your opinion would it be possible to secure jointures of that kind by Government annuities?—I do not see how it is possible to do it.

5267. Supposing the Landed Estates Court, operating in the manner which you have suggested, bought an estate subject to these jointures, the price given being therefore based upon the existence of these jointures, and were then to resell to the individual tenants; it is difficult to see how they can resell to the tenants except free from the jointures, therefore they would get a much larger sum from the tenants than they had paid to the original vendor; I want to know if it is possible to provide for a case of that kind by a Government annuity?—I will assume that the purchasing body get a much larger sum from the tenants for the land, discharged from the jointure, than the sum which they paid for the land, subject to the jointure. The rate of interest in the funds is so very low that if you tied up the excess of the purchase-money over and above what they paid for it themselves to meet the jointure (because that is all they would have to deal with), I fear, in a great many cases, it would not be sufficient to pay the amount of jointure. It is a question which I have turned over in my mind a great deal, and my belief is that, practically, there would be excluded from the immediate operation of the Act, under any scheme which can be suggested, estates which are subject to anything like a large jointure. And I will go further and say that that applies not merely to cases where estates are subject to jointures, or family charges of that kind which cannot be paid off immediately, but

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to another class of estates which are not so numerous, but still sufficiently numerous, namely, estates subject to a large head rent. In Ireland we have many estates held under long terms of years subject to a head rent, or leases of lives renewable for ever, or fee-farm grants, and those particular cases will be always, in my opinion, extremely difficult to deal with.

5268. Supposing the price obtained by the Board from the tenants so far exceeded the price given by it to the original owner as to enable the Board to purchase a Government annuity to meet the jointure, do you think that that would be a fair way of dealing with the case?—I think it would be the fairest way in the world.

5269. You think there would be no hardship in such a case in substituting a Government annuity for the charge upon the lands?—I think it would be conferring a direct benefit on the jointures.

5270. It appears to me that that would be the inevitable result of the operation, namely, that you would buy subject to jointure, and would sell free, and the difference between the two prices would, in fact, be the value of the annuity, and that amount, invested in Government funds, would purchase a jointure for the jointures?—That might be so, but it is so experimental a thing.

5271. If that were so there would be, in your opinion, no hardship in carrying out that question?—I can see none whatever.

5272. Short of that, would it be desirable to clear up any doubt as to the course you have pursued in giving the charge of the Board of Works a preference over the annuity or jointure, where the residue is amply sufficient to meet the jointures?—I would not suggest that the course which I have pursued should be made the law of the land. I have a strong opinion that the 48th section is unjust in principle, and a violation of the rights of property. In my opinion the annuity of the Board should not be made, by Act of Parliament, paramount to the jointure; in my opinion it ought to be postponed to the jointure, like quit-rent and other charges.

5273. But I do not quite understand that even that is possible under the Act, namely, the postponement of the one to the other?—It is impossible; the 48th section simply makes the payment of the annuity to the Board of Works prior to every charge.

5274. Would you advocate any change in the Act, the effect of which would be to postpone one to the other, and yet to enable the Board of Works, notwithstanding the postponement, to make the advance?—Certainly; I think the Board of Works could do so with perfect safety in 99 cases out of 100.

5275. And further, if the transaction of the Board of Works with regard to the Government annuity would meet the specific case, you think that that would quite meet the case generally of a jointure or annuity?—Quite so.

5276. I think you wished to make some explanation to the Committee with regard to a statement made by Mr. O'Brien about two cases in your court, in which the rights of tithers were neglected or lost?—Quite so. I understood Mr. O'Brien, in the case of "The Desert-Martin Glens," to have stated that a certain portion of bog, I do not know exactly the extent, had been sold as a separate lot discharged from all rights of tithery which he stated the tenants had over that bog;



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and he stated, as well as I recollect his evidence, that the tenants in all those cases had rights of turbary over the bog. Now, I happen to have in my hand what we call the final notice served upon the tenants in that particular case; and perhaps before I read what is in the final notices, I ought to state what is the practice in regard to these notices. As soon as a property is brought to sale, after the abatement of title has been approved of by the judge, and the title approved of, steps are taken to prepare a rental of the property. The first step taken is, that the solicitor for the vendor prepares a document which he puts into the hands of the Ordnance Survey Department; that is a paper giving in a rough kind of way, with a map from the Tenement Valuation Office, the locality of the property, the boundaries of the property, the names of the tenants upon the property, and generally the rights which the tenants have, if he is aware of them, over the bog, and so on, upon the estate. Armed with that document the Ordnance Survey Office sends down one of their surveyors; he goes down, and as a rule remains there, according to the size of the estate, sometimes one, or two, or three, or five weeks, sometimes months; I have known a surveyor surveying a property for months. He then makes a report, and that report, in addition to reporting upon all the tenancies, and so on, states whether or not there exist any rights of way, easements, or rights of turbary upon the property. That document is then returned to the solicitor having the carriage of the proceedings; that is to say, the solicitor for the vendor. The solicitor for the vendor then, having got that document in his possession, prepares what is called the "final notice to the tenants;" that is a notice similar to the one which I have now in my hand, which prescribes to set out the names of the tenants, the rents payable by the tenants, the tenure of the different tenants, and references to the map which is also served upon the tenants, at the same time showing their different holdings, and so on; and also in another column it prescribes to state the rights of common, the rights of turbary, rights of way, and other easements admitted to exist. Now, I hold in my hand the final notice which was prepared by Mr. John Ball, solicitor to the Church Commissioners in that particular case, and I find this statement with reference to rights of common. The heading is "Rights of Common, or of Cutting Turf, or other Easements admitted to exist in this case." It then goes on to say: "The land will be sold, subject to the right of the public to use roads which are marked upon the map hereto annexed, county roads, and certain rights which they hereby enunciate, and certain rights with reference to water and streams. There is no reference whatever in that notice to the right of common which the tenants, it is represented, claimed upon this bog."

5277. May we take it shortly, without going at too great length into the case, that if there has been any mistake it was due to the fault of the notice originally given to you by the solicitor of the Church Commissioners?—Yes, this is the notice prepared by the solicitor of the Church Commissioners; the rental follows that, and the sale takes place as a matter of course; it was altogether the fault of the solicitor of the Church Commissioners.

5278. I wished to go into the case, because I desired to know in the future what you proposed  
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to do with regard to rights of turbary, where properties are sold to tenants; I believe I am right in saying that rights of common are not known in Ireland; that there are no manorial rights?—Manorial rights are not unknown, but they are rare.

5279. And, therefore, you cannot, according to the custom or law in Ireland, vest the moorland in one particular person subject to rights of turbary in others?—Pardon me, I think you might.

5280. Is that the mode generally adopted. I think Mr. O'Brien told the Committee that in the case of sales to Church tenants, the common, as I believe they call it, or bog, was sold in undivided parts to the tenants in proportion to the holdings, the result of which was that a conveyance to a particular tenant might be a conveyance of one-tenth hundredth part of a bog, or some proportion like that?—I saw that evidence of Mr. O'Brien's; it looks very absurd in figures, but it happened in this way: There is a case of Mr. Watson's estate, a property which happened to come under my notice recently. I have been recently settling the conveyances. It was a property sub-divided amongst a great number of tenants. It was originally one lot, and was split up into forty lots, the tenants having bought the estate.

5281. Is that a case of Church property?—No, it was ordinary property in the north of Ireland. In that case there were two mountains, each of about 200 or 300 acres: one man had a right to a 30th, another to an 18th, another to a 12th, another to a 9th, and so on. Of course, taking all the fractions together, they made up the unit. The way in which that was dealt with was this: Each tenant got his holding in severalty, that is to say, the lands which he held in severalty were conveyed to him in severalty together with 1-30th part of the mountain, or whatever his right might have been. There is no other way of dealing with it unless you partition the mountain, and, of course, that would be a very expensive proceeding. One man is entitled to put an cattle equivalent to a 30th, another to a 12th, and another to a 10th: they therefore hold so many acres in severalty, plus so many acres of undivided mountain. What made the fraction look so absurd in the case of the Church Commissioners' sale was this. There were an immense number of tenants having fractional rights over a common. Mr. McDowell reduced them all to a common denominator. Of course, in reducing them to a common denominator, you bring out an exceedingly high figure. If I were to take all the fractions in Watson's Estate and reduce them to a common denominator, it would bring out an exceedingly high-looking fraction, but it would come to the same thing as one man having an 18th and another man a 12th. But I say, with regard to Mr. O'Brien's evidence, that although I read it with great interest, and desire to speak of it with every possible respect, yet there is an old maxim, "*Ne sicut supra crepescit*," which I think will apply; he talked of something which he did not understand. I defy you to suggest any other mode of conveyance; there is no other mode of doing it. The rights of the parties were, in addition to each man's interest in severalty, a certain undivided interest in the mountain. Of course, as I say, the tenants may split

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split up their mountain into so many separate holdings as represent the undivided fractions, if they like, but they would never do that, on account of the great expense attending it.

5282. I may take it as your opinion, that where there is mountain bog over which the several tenants of a particular property have a right of cutting turf, and that when a sale is effected to tenants, the only way of carrying out the sale justly is, to give them each a share in the mountain bog, according to their rights?—Yes, according to their antecedent rights.

5283. Do you think that, upon the whole, that is the only mode of doing it?—I see no other mode of doing it. You may parcel it out, and make a partition between them of the bog, but the expense would be so enormous that the thing could not be worked out.

5284. Passing to another point, have you any suggestion to make to the Committee with regard to reducing the costs of conveyance to tenants?—I wish to make one or two observations with regard to the cost of conveyance. I think, first of all, I may state that there has been some little misunderstanding about the costs in our court. For example, I have seen in several places in Mr. O'Brien's evidence a statement that a sum of 5*l.* was put down as "instructions," as he put it, for a conveyance, and, as I remember his evidence, it was to the effect that "instructions" are all idle when you come to a small tenant; he gives no instructions, he says, I have bought the property, prepare my conveyance, and that is all the instructions there are. But the item of 5*l.* is this. It is instructions for conveyance and draft, obtaining approval, attending at court, at the Stamp Office, at the printers, and all the ordinary attendances at court, and elsewhere, in relation to the conveyance. If the conveyance with the schedule does not exceed 15 folios, 5*l.* may be charged; if it does exceed 15 folios, so much more. I do not mean at all to suggest that Mr. O'Brien stated what he did not quite believe to be the case, but it is not quite a fair way of putting it. The cost of the conveyance would include an immense number of things, as I have just stated.

5285. But supposing your suggestion be adopted, namely, that the Landed Estates Court should, in certain cases, buy properties, and then resell them to the tenants, would it not be possible, by having a draft form of conveyance, and by proceedings common to them all, to reduce very much to the tenants, when buying, the cost of the whole transaction?—If your conveyance is limited to a mere conveyance of a purely fee-simple estate, no doubt the costs there could be reduced. But when you travel outside of a mere fee-simple estate, say an estate subject to a rent, or an estate subject to a jointure, or an estate subject to any charge, unless you get rid in addition of all this question about rights of way, you certainly will not get solicitors to prepare conveyances for you at a less cost than those prepared according to the scale of our court.

5286. But supposing your suggestion with respect to easements and rights of way were carried out, that difficulty would be got over, would it not?—Yes.

5287. Then the provision for the jointure might be carried out in some such way as I have suggested?—No doubt.

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5288. Then the great bulk of the transactions would be merely conveyances in fee?—No doubt.

5289. Then would not the cost be very much reduced to tenants who should buy in the future, assuming as I do that the court itself is going to sell, and that, therefore, the transaction would be no more complicated and difficult than the case of the Church Commissioners selling to the tenants?—It would be the simplest form in the world in that case.

5290. Would it be desirable, in your opinion, that these conveyances should in future be upon the record of title?—That is another question altogether. There is another point of Mr. O'Brien's evidence in which he refers to the record of title, and the great saving he thinks it would be to the tenant to have the title recorded. Now, let me say that the cost of putting the conveyance of title upon record is in excess of not doing so.

5291. Supposing your department having bought a property is selling it again with an absolute title, would the cost of putting it upon the register of your own registry in your own department exceed the cost as compared with its not being done?—Yes, certainly; because under the Act of Parliament you can only record a title which has passed through our court; it must be a Parliamentary title. The first thing is, you must get a Parliamentary conveyance, which is usually executed in duplicate. I have had a bill made out of what it would cost in the one case, and what it would cost in the other. If you record the title it costs 11*l.* 17*s.* 2*d.*, but if you do not record the title, but register it, it costs you 10*l.* 11*s.* 2*d.*

5292. Would it not be desirable to facilitate the small holdings coming upon the register of titles by reducing these costs?—Of course the costs of recording would be less than they are now, if our costs of preparing the deed were less, because first there is the cost of preparing the deed, which is a preliminary to recording, which is a common item to both sets of costs, and if you reduce the cost of taking out the deed in our court, you will reduce by the same amount the cost of recording the deed in the Record of Title Office.

5293. It appears to me that if the function were thrown upon your court to buy these properties for the purpose of sale to tenants, it would be an easy process to give a vesting order which would have the effect of placing these estates at once on the record of title?—Of course you might legislate for that purpose; but I am only dealing with the Act as it stands.

5294. Would it be desirable in your opinion to facilitate very small holdings like these coming upon the record of title at once?—It is a paradox which I am going to propound now, but my opinion is, that though the record of title is better suited for small properties than any other, yet I think it would be most injurious to put them on the record of title. As I said, I was starting with a paradox, and I will tell you why. Under the Record of Title Act, as it now stands, every dealing with the property ought to be put upon the record of title. A man dealing with his recorded estate may deal with it as if it were not recorded; there is a double system of conveyances, in fact, and of transfers in relation to recorded estates. The result is this, that in the case of recorded estates, over and over again I have

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have known people, solicitors and others, utterly to forget the existence of the record of title, and to deal with the properties as if they were not recorded, not putting them upon the record at all. A man, for example, has mortgaged his estate once, twice, or three times, and the mortgagee has not put the mortgage upon the record of title; I am speaking of the record of title applying to one townland, in which the rest of the lands mortgaged are not upon the record of title; and it has turned out that after the man has been dealing with it, if the estate were not recorded, some one finds out that the estate is recorded, and gets his mortgage and goes off and records it. The effect of that would be immediately to displace the priority of the other mortgagees who had not recorded their mortgages. I apply that to the case of small tenants in this way. The small tenants are really the most ignorant class in the world. In the north of Ireland they are very intelligent in some respects, but in others they have their own habits and customs. My experience of those small tenants, even up to 40 and 50 acres of land, is this: they get all their wills, and deeds, and documents, prepared by some country schoolmaster, or some local attorney's clerk, or some person of that character, who knows nothing in the wide world about conveyancing or real property. That man would never dream about his estate being recorded; he would make his will and divide his land, and deal with it altogether without reference to the record of title. One man might afterwards find out that the estate had been recorded, and there would be interminable confusion. If the record of title were obligatory upon everybody, and upon all estates, I could then understand its being applicable to, and beneficial in the case of, small estates.

5395. That would rather point to the establishment of a local registry, would it not?—Probably. Although I consider record of title better fitted for small estates, yet, I think as the law stands now, it would be positively mischievous for the purchaser of a small estate to record his title.

5396. You would think it better not to record such titles now?—I would not advise it as the law stands at present.

5397. Do you see any way considerably to reduce the costs to these small tenants purchasing, or who may hereafter purchase?—If the scheme, which I took the liberty of propounding, were adopted, there might be an officer connected with the court, as there was with the Church Commissioners, who would carry out these small transactions; that is to say, the sales to these small tenants upon a fixed salary.

5398. And who would prepare on the one hand a deed of transfer, and on the other hand the mortgage deed?—Yes, that is the double transaction; he would prepare both, certainly.

5399. Both those deeds might be prepared by an officer of the court, and, assuming the salary of the officer were paid by the State, that would be part of the expense of the whole transaction?—I assume in theory that the thing would work, and would be paid for by the profits.

5400. I think I have now cleared up the various points which you wished to bring before the Committee; I do not know whether there are any further points with regard to the evidence which has already been given, which you desire

## Chairman—continued.

to mention?—It is, perhaps, rather an argument of homocent, but I should like to make this observation: these cases of sales mentioned by Mr. O'Brien, are all cases of sales carried out by their own solicitor; they are all Church Commissioners' cases, where their own solicitor did the work, and if they had any control over their own solicitor, it appears to me that they might possibly have seen that these costs did not amount to the sum which they are stated to have come to.

5391. I think it is perhaps fair to Mr. O'Brien to say that I understood him to complain equally of the costs of conveyances made by the Church Commissioners, though the costs were not of the same amount as those in the case of ordinary estates coming before the Landed Estates Court?—I may state in reference to costs, that I find in one of these Cobden's Essays there is an article by a Mr. Hoskins, giving a table of costs of transfers and conveyances in England; I think you will see that the costs there are considerably greater than the costs of any transaction carried out in our court. As you go lower in the scale, the cost must necessarily bear a higher ratio to the amount of the purchase-money, and the higher the amount of the purchase-money the lower the rates of cost. Last week I had a case before me of the Church Commissioners, who sold property to a man in Armagh for a sum of £1; in that case I take it the costs will be cent. per cent. of the purchase-money.

5392. Still I take it that you consider in the case of small holdings it would be desirable, if possible, to reduce the cost of conveyance?—No doubt in the case of small holdings the cost of conveyance is a serious thing.

5393. I need hardly ask you, after the evidence which you have given to the Committee, whether you are in favour of the principle of the Bright Clauses of the Land Act?—I am decidedly. I would like to qualify that statement with this observation: I think socially, or politically perhaps I may say in a conservative sense, according to the view which Mr. Vernon expressed in his evidence, the operation of the Bright Clauses would be most beneficial to the country. I have not the slightest fear of the Bright Clauses working to such an extent as in any way to disturb what I may call the balance of property in the country; but when we come to the economical part of the question, I am not so sure that I go so far in expressing my approval of the Bright Clauses. When we come to very small tenancies, I am not prepared to say that I could institute the comparison which has been made between very small tenants in Ireland and very small tenants either in France or Flanders, or elsewhere. Still I am sure that it would add to the stability of the institutions of this country if there were a considerable infusion of tenant proprietors in the country, provided always you took care that the possession of the land in the hands of the tenant proprietor were not severed from what I call the ownership of the land.

5394. You find, in Ireland, a very great number of small holdings?—I do.

5395. And you consider that it would be desirable that a certain number of them should be owners rather than tenants?—I do.

5396. But you would not consider it desirable to facilitate the creation of small ownerships, which

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*Chairman—continued.*

which should be themselves subject to inferior tenants?—Certainly not.

5307. You are a landowner, I think, in various parts of Ireland?—I am.

5308. And have looked upon the question from that point of view?—I have looked upon the question from every point of view.

5309. You stated just now that you did not consider that, even if the suggestion which you made to the Committee were carried out, the operation would be so extensive as to disturb what you call the balance of property in Ireland; would you state to the Committee what you mean by that expression?—What I mean is this, that I think the bulk of the property in Ireland will remain in the hands, as it at present is, of large proprietors; I do not think that the operation of the Bright's Clauses of the Land Act, under the most favourable circumstances, can by possibility work anything like what I may call any large disturbance of the relative proportions in which property is at present held.

5310. I presume that if your suggestions are carried out, there will be a considerably larger number of sales to tenants in the course of years than now take place, but that even under the most favourable circumstances if your plan be carried out, the number of sales would not be so great as to effect what one may call a revolution in the ownership of property?—Just so; I think it would be a reform, and not a revolution; I have satisfied myself by calculation that it will be fully 300 years, taking it in any possible way, before the property of Ireland, taking it as *ex sese* as it now comes in, would come under the operation of our court.

5311. Would you give the Committee the bases of your calculation?—It would be rather a rough one, but I will tell you how I worked it out. We have sold property in Ireland since the original institution of the Encumbered Estates Court in 1849, down to the end of the year 1876, to the amount of 50,000,000 *l.* Of that amount 25,000,000 *l.* worth of property were sold in the Encumbered Estates Court, and 25,000,000 *l.* worth were sold in the Landed Estates Court; that is to say, 25,000,000 *l.* worth of property was sold from the year 1848 down to 1876; that would give in a rough way something less than 1,200,000 *l.* a year, but I will take it at that. The Poor Law valuation of property in Ireland, taking it in round numbers, is about 14,000,000 *l.* a year, and if you multiply the Poor Law valuation by 30 years, taking that as representing the total value of land in Ireland, that would give a sum representing 420,000,000 *l.* capital value. Then if I divide that by the rate that we have hitherto sold at, I make it out that it would take about 350 years to sell the whole surface of Ireland. Now, I have taken it in another way, namely, by the acreage, according to the Duke of Argyll's return. In a rough way it may be taken that there were about 80,000 acres sold per annum of the lands which could by possibility be brought under the operation of the Bright's Clauses. Taking the acreage of Ireland to be something like 20,000,000, you find that it brings it out, upon that theory, to about 250 years. In other words, assuming that we go on selling at the same rate as we have hitherto since 1838, it would take some figure between 350 and 250 years before the whole of Ireland could be brought under the operation of the Bright's

*Chairman—continued.*

Clauses. Therefore it appears to me that anything like the idea of such a mass of property being at once sold to tenants, as to disturb what I call the present existing relative division of property, appears to me to be perfectly illusory. And I may say this, in addition: I cannot, of course, foresee what the effect of any proposed legislation may be in bringing additional properties to our court for sale, but I have a very decided and clear opinion that the amount of property subject to the operation of Bright's Clauses which is now being brought into our court *de anno in annum* is not an increasing amount, but a decreasing amount; that is to say, there is a less amount now of property of the character which would fall under the operation of Bright's Clauses brought *de anno in annum* into our court for sale, than there was some years ago, although our sales in amount may be quite as large as they were before. But that is attributable to other causes; we are getting an immense mass of tenants' interests for sale which, since the passing of Mr. Gladstone's Act, have become most valuable interests.

5312. What is the reason for the reduced extent of land subject to the Bright's Clauses coming into your court?—The reason is, that owners are in a better position. The operation of the Encumbered Estates Court was of a most sweeping character. Estates which had been in Chancery for some of them 100 years, and in fact all the heavily encumbered estates in Ireland I may say, were completely transferred, and the residue of the estates in Ireland, and the estates which are now held, I may say, by the bulk of the landed interest in Ireland, are not mortgaged or encumbered to that extent that they are driven into our court at all. The masses of property which have been brought into our court, and the estates, I may say generally, on which sales have been made to tenants, have been properties which, in the true sense of the term, are not encumbered estates. They have been large estates of great landowners, such as the Marquis of Waterford and Lord Downshire, which are not encumbered estates, nor have they driven into the market.

5313. As years pass on the sales through the Landed Estates Court become more and more the normal sales of landed property apart from encumbered properties?—In other words my opinion is, that the country was never in a better or healthier condition than it is at this present moment; we had a very bad year, no doubt, last year, but the general property of the country is held, in my opinion, by solvent people.

5314. You made a suggestion to the Committee that greater facilities should be given to limited owners, instead of selling their properties to tenants, of creating perpetuities, either by a somewhat increased rent, or at the same rent, upon the tenants paying a fine or sum of money for the conversion of their holdings into perpetuities; do you think that any great extension may be effected under that head?—I think that is likely to work very well. I think it will cause sales (because, after all, a fee-farm grant is a sale practically) in many cases where before a landlord would have otherwise hesitated to sell, and for this reason: say I have a townland split up and held by five, or six, or ten, or twenty tenants, as the case may be; four or five of those tenants or more are anxious to buy, the rest are unable to buy or unwilling to buy, it is immaterial which; I will

Chairman—continued.

not sell those holdings to those particular tenants out and out, because detaching those particular holdings from the rest of my estate would be practically to destroy the value of the residue; it would make a gap here and a gap here; and if I wanted to make any improvements in my property, I should be impeded in doing so. I may incidentally observe here that, as far as my experience goes, substantial improvements must be made either by the owner of the estate, who can control all the tenants, or by the tenants acting in concert. Therefore, if you were to detach two or three portions of the middle of a townland, you would practically, in my opinion, injure the value of the rest of the estate, and impede all improvements; but if you give fee-farm grants to tenants, the landlord would not have the same objection at all, because he would still retain that control over the tenants which the covenant and the conditions of the fee-farm grant will give him. And, on the other hand, the rest of the estate would not be in the slightest degree diminished, because he could carry on his operations as before; if he wanted a drain or anything of that kind made he could do it; and he would retain his mines and minerals and his rights of shooting and sporting, which, I am sorry to say, are not so good as they ought to be, yet they are of a certain value, and a certain amount of amusement to every owner.

5315. Then you think it is possible that a considerable extension might take place under that branch of your proposal?—I think that an extension of the sales would take place, but whether it would be very considerable, or even considerable, I hesitate to say.

5316. But adding that to the Bright's Clauses as they now stand, or modified by your other proposals, even with the two together, the extension would not be so great as to effect any considerable change in the ownership of land, as it at present stands?—I think not.

5317. The Committee would like to know what you mean by saying that a considerable number of tenants' interests have come into the court for sale?—Leases for 10 or 11 years, and things of that kind, short, terminable interests, which formerly we would not have sold, are brought now into the court every day. There is, unfortunately, in Ireland, a class of security which you know nothing of in England, namely, what we call judgment mortgages, that is to say, a man gets judgment against a party, and registers that judgment under a particular process of the court as a mortgage; there is no deed executed; it may be a judgment for a 10*l.* note; but the moment he gets his judgment mortgage, he brings the property of the farmer into court for sale. I may state, moreover, in the case of judgment mortgages, that under the decisions of the court, they have this very curious operation: you may have in your lease the most stringent clause against alienation, yet the judgment mortgage will go behind them. However, without going into detail upon that point, tenants' interests are very largely brought into our court for sale.

Sir Joseph McKenna.

5318. Has it been absolutely decided that a judgment mortgage will enable a good conveyance to be made by your court to defeat a clause against alienation?—It has been decided in principle by the Court of Appeal. I always considered it a very strong decision.

Q 51.

Mr. Parnell.

5319. You stated that at a previous period of the history of your court, you would not have sold these tenants' interests that you have been speaking of?—Certainly not; they were not within our jurisdiction at all.

5320. How was it that you obtained the jurisdiction?—By the Landed Estates Court Act we have power now to sell anything.

5321. You mean that before the passing of that Act you were not able to sell tenants' interests, but that since then, the sales of them have become very frequent?—Quite so.

5322. I want to ask you a question with reference to your suggestion that one of the judges of the court should be availed of for the purpose of carrying out Mr. Vernon's suggestions; would it not be necessary that such a body as you speak of, assisted by an assessor, such as Mr. Vernon, or an officer of the Board of Works, should be entrusted with funds in the first place?—Certainly. Unless they have money to buy, they cannot buy; the owners could not sell an estate if this Board had not money to pay for it.

5323. Would you kindly restate your proposal?—My idea was this, that in reference to estates which come under the operation of the Bright's Clauses, the duty of one of the two judges should be to sell all these properties, but that he should sell them in the open market to anybody who chose to buy them in such lots as the owner thought fit to put them up in, of course, subject to the general approval of the court; and then, that another body, to be composed, as I suggested, of the other judge of the court, by reason of the legal matters which would arise with reference to conveyances and other matters in working out the question with the tenant ultimately, and in connection, as I suggested, either with the Board of Works or the Commissioners of the Valuation Office, because they have greater facilities from the number of assistants that they have competent, I presume, to make valuations of property; that they should be conjointed with the judge of the court, and that in addition to them there should be a third person, such as Mr. Vernon, or some person generally conversant with the landed interest of Ireland, and with agriculture generally, and who would be a competent person to advise and to assist the other parties.

5324. I had the pleasure of hearing your evidence upon the last occasion, but I was not aware what your suggestion was upon the financial point of the question?—I made no suggestion upon that point whatever.

5325. Assuming that some funds are to be placed at the disposal of these judges in the first place, that is to say as purchasers, of course that must be a public fund of some kind; is it your notion that that should be a fund advanced by the Imperial Treasury?—I am afraid I am too ignorant in financial matters to exactly answer that question. I am not aware of any money that the Government advance unless they be Imperial money, coming from the Imperial Treasury. Of course, as I stated to-day, there was this other fund which has been also mentioned, namely, the Church Fund, but I do not suggest the Church Fund or any particular fund for the purpose; all I say is, generally, a fund is necessary.

5326. I want to know whether you will approve of any control whatever on the part of the Treasury

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surey over the fund to be thus allocated to the judges?—Not the slightest.

5327. In fact, you would leave it entirely in the discretion of this second judge of the Landed Estates Court, acting as you, as it were, on behalf of the object of creating tenant purchasers to offer such terms as he pleased to the landlord?—Certainly.

5328. And then that, supposing to some extent these bargains turned out bad bargains, and that he did not succeed in afterwards realising so much by sales to tenants, and by sales of interests in fee-farm grants for the residue as he had paid for them, what check would you have upon that?—None whatever, beyond the check afforded by Parliamentary control; and of course the matter is an experimental one, and as the experiment proceeded it would naturally be very soon ascertained whether it failed or not. I do not think the loss could be very serious, but if the transaction was a losing one, I presume Parliament would at once interfere.

5329. Would you require this body, whoever they might be, to make a return to Parliament upon the subject, by which their transactions could be checked?—I can see no ground of objection to that; on the contrary, I think that it would be highly desirable; the only thing I would protest against would be that the body should be under the direct control, or, if I may use the term, the dictation of the Treasury.

5330. You cannot suppose for a moment that the Treasury would advance their own money without reserving their control; it therefore seems to me that the only way in which that proposal could be worked out would be by appropriating the Church surplus for the purpose?—I should think that Parliament is all-powerful, and can control the Treasury; and if Parliament chose to make an advance, say, of one or two millions, by way of experiment, merely directing that these accounts should be put annually on the table of the House, and subject to the control of the Auditor General to check the accounts, I do not see why the Treasury should necessarily have any direct intervention in the matter.

5331. As I understand, the reason why you suggest that one of the judges of the court should transact this business would be that he would have the advantages of legal knowledge, and so on?—Yes, and the officers of our court could be utilised in carrying out the sales to tenants; in fact, my object is as much to save expense to the public as anything else. The alternative would be a totally separate and independent commission. I look upon that as unnecessary, because I think the judge of the court would have quite time enough to do what after all would be merely administrative duties; that is to say, judging whether this or that price ought to be given for a particular estate, having regard to the returns which are made by the officers sent down by the Commissioners of Valuation, or the Board of Works as the case might be. This body would be only called upon to deliberate upon any particular transaction as to whether it was likely to be a profitable one or not. The fact of the judge being a party to it, would give confidence to the public that the money would not be squandered, or recklessly applied.

5332. Do you contemplate that this assessor, or gentlemen of experience in connection with land, would have any large share of duties to perform which would occupy much of his time?

Mr. Plunkett—continued.

—I think not; the duties appear to me to be in a rough way what I have already mentioned; the officer of the Valuation Office has his staff ready at hand, and if any particular estate is about to be sold, which they thought it likely to be right to buy, they would send down their officers and get their reports. When the reports came up, I fancy that all this gentleman, whoever he may be, would have to do, would be to consult with his colleagues, and having regard from his general knowledge of Ireland, to the precise locality, the valuation, and so on, assist them with his opinion.

5333. But I suppose still it would be, to a certain extent, such an appropriation of the time of such an independent gentleman as you speak of as would entitle him to some remuneration from the State?—I am very much afraid that you can hardly expect anybody, whatever his position may be, to give his time to the public without some remuneration; but I am of opinion that notwithstanding his high position, and the nature of the work that he would have to do, a comparatively small remuneration would be perfectly ample.

5334. Should you say that a few hundreds a year would be ample?—I do not exactly like to figure the thing; that is a matter of detail, but I am quite confident that the remuneration need not be anything large.

5335. Supposing it were determined to carry out Mr. Vernon's principle, I will not say his scheme, but his principle, that is the additional expense you see at present to the expenses of the Landed Estates Court, and the Valuation Office, and the Board of Public Works, as they are at present constituted?—Of course the travelling expenses of the people sent down by the Board of Works or the Valuation Office must be provided for, but otherwise I do not see anything.

5336. I suppose, under your plan, advances would be made to tenants desirous of purchasing as at present by the Board of Works?—Quite so.

5337. And then with reference to the residue, you say that you would propose to give a fee-farm grant to the tenants; and, as I understand, set up the ownership of these fee-farm leases and the position of lessor to public auction to whoever would like to purchase it?—Yes.

5338. As I understand, you contemplate that these investments will be made generally by people of small capital?—I think so.

5339. In the event of the tenants who become the tenants under these fee-farm grants being unable to pay their rent, or falling into arrear with their rent, what do you contemplate would happen?—I would give the purchaser the ordinary rights of a landlord over these tenants. I assume where a tenant gets a fee-farm grant, he either gets it at an increased rent which represents the value of the interest, or he pays a certain sum of money for it; I think the case of a tenant holding under a fee-farm grant not being able to pay his rent would be a very rare case indeed; but assuming he is not able to pay his rent he would be like any other bad tenant, you must get rid of him.

5340. Why do you say you think the case would be very rare, because he is either to have to pay a larger rent than he does at present, or a fine which must, *pro tanto*, reduce his means?—If he has to pay a larger rent it would be because his present rent is not sufficient, or if he pays a fine

Mr. Plunkett—continued.

fine be gets a sort of fee simple interest; therefore, *quodcumque vis*, I do not think he would allow himself to be evicted.

5341. But as I understand, these are persons who are not strong enough to purchase even with the assistance of the Board of Works; they are then to get a fee-farm grant either (by obtaining somehow or other the money, which I understand they cannot produce) by paying a fine, or by paying an increased rent beyond what they have to pay at present?—First of all, these residences will not consist solely of the very worst and poorest tenants, because there are many able to buy who will not buy; but I will assume that they are the weakest tenants upon the property; I think that many persons are not able to buy from their own funds, and I think it is desirable that they should not sell all their stock, hoping to replace it in course of time by their industry; I think in those cases, a fee-farm grant being given to the tenant, the rent which I pre-suppose will be imposed upon him would be a fair rent for the estate. I see no reason why a tenant should not, having a fee-farm grant with a fee-farm rent only upon him, be able to pay his rent from year to year; if he falls in arrears he must go out.

5342. But, as a general rule, as property is managed in Ireland at present, is it not very often the case in bad years that a large number of those small tenants fall into arrears, and are for a time, at all events, forgiven by the landlord?—I believe that to be the case.

5343. In that case it would not be so probable that those people who have bought up the fee-farm grants, which had failed as a speculation, would be very lenient with the fallen tenant?—I think the tenant would make every effort to keep up, and that he would make greater efforts to pay his rent than he would to an outside landlord. If a man is my tenant, or anybody else's tenant, he knows that in a bad year he will be treated considerably, and will not exert himself so much to secure his holding, because he does not think he will lose it, as he would do in the case of a fee-farm grant. I do not think the practical result would be what you have suggested; I think in the great majority of cases the effect would be that a tenant having a fee-farm grant at a fair rent would retain that in perpetuity.

5344. I should be very glad to think so if the plan were to be carried out, but where is the money to come from; is the gentleman fellow to advance it, or in what way is it to be procured?—No; I assume that if he pays the money he gets the farm at a reduced rent, and that would represent his capital in the land, therefore I do not anticipate that there would be the slightest danger of his losing his holding by non-payment. The man who did not pay any fine would pay a larger rent in proportion; therefore it would be only imposing upon him a fair rent.

5345. But suppose the worst were to happen, and there were a considerable number of persons so situated as not to be able to pay their rent in bad times, and were closed upon, if I may use the term, by the purchaser of the landlord's interest in the fee-farm grant, would not that tend rather to the consolidation of holdings again?—I do not know whether it would tend to consolidation or not. Of course I am assuming this purchaser of the fee-farm rent immediately to exercise his powers, and evict the tenant, and get possession  
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of the holding; he must deal with it somehow or other; he must either sell it to a third party, or he might sell it to the adjoining tenant. I do not object to that consolidation; on the contrary, I am very anxious to see consolidation up to a certain point.

5346. What do you think would happen in the event of there being a sub-division or sub-letting by tenants in violation of the covenant, which I understand you would have inserted in the lease?—I draw a distinction in that case. In the case of fee-farm grants under the second part of the Act, that is to say, contracts out of court, I would give the owner of the fee-farm rent the ordinary right of an owner over his tenants. If, in violation of the provisions of the fee-farm grant, the tenant were to sub-divide, I would give the owner the most absolute power of getting rid of him. In the other case, under the third part of the Act, I would make the sub-division null and void. Without introducing a forfeiture, which I think would be a very stringent thing to do, I think that if tenants found they could not sub-divide without making the transfer of the sub-divided part a perfect nullity, the operation of it practically would be such that you may say it would not take place at all.

5347. How would that work out in the case of sub-division under a will; suppose a tenant under a free-farm grant, such as you suggest, by his will sub-divides his holding between his sons?—I would leave it just as it was before; I would not allow the will to operate; so far as the will purports to do what the man could not do, I would treat the will as a nullity.

5348. Do you see any danger under those circumstances in persons who obtain a house upon the property, such as labourers' cottages, practically becoming tenants of a part of the land, either by arrangement amongst themselves, or under a will; suppose, for example, that one of the sons of a small farmer is put into a labourer's cottage, ostensibly being an agricultural labourer, but really having a tenant's interest in the holding, would not that be a very difficult thing to restrain; would it not be difficult behind the landlord's back, and under cover of this fee-farm grant, to prevent their carrying on two small tenancies and two small farming operations upon this small holding?—From my experience as a landowner, if I may say so, there is nothing in the world more difficult than to prevent tenants from sub-dividing; they elude all the clauses and rules of property about sub-dividing in the most ingenious manner; and in the case of a fee-farm grant, I have no doubt whatever they will try to do it then as they try to do it now. But if the effect of putting a son into possession, nominally as a labourer, but in truth as a tenant, by arrangement amongst themselves, is rendered a nullity by the operation of the law, you may rely upon it that that will not continue long, because the man who put the sub-tenant into possession may die, and the man who comes next to him may not have the same regard for his uncle, or whoever he may be, who has possession of the plot of ground, but will put him out without hesitation; they have no regard whatever for each other in that state of things.

5349. I daresay you know more about the matter than I do, but it strikes me that if a tenant be protected from the useful influence of his land-

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lord from day to day by a fee-farm grant, there would be great danger of his carrying out this strong inclination for subdivision?—As I say, under the second part of the Act that would be impossible, because the landlord would still be the party to prevent a continual sub-division. Under the third part of the Act sub-division would practically become impossible under my suggestion, because I would make these sub-divisions perfect nullities in point of law; and being perfect nullities in point of law, I do not think that practically they could be carried out to any extent.

5350. Supposing a case in which the property comes into your court is almost entirely in the occupation of very small tenants, and yet it is possible, without loss of the money which is at the disposal of the Board, to purchase that property from the landlord and sell it again to these tenants, would you allow the judge any discretion at all, on the ground that he might think it undesirable to create a very large number of very small proprietors?—I would leave with the judge and his colleagues the most absolute discretion to select what kind of estate they thought it right to buy for the purpose of parcelling it out again. If the estate were held in very small tenancies, there might be a reason in particular cases why they should not exercise the powers they have of buying. I do not mean to say that the mere existence of small tenancies should prevent them from doing so, but there may be small tenancies of such a character as to influence them not to buy. The Committee have had numerous cases before them of properties sold with a bit of land here and a bit of land a mile off, and 30 or 40 other scattered bits. I think that unless the Commission had a further power of really striping the estate, and sub-dividing it in suitable lots contiguous to each other amongst the different tenants, they could not perform their duties effectively. If I were one of that body I would greatly hesitate in many such cases; because I would say so myself. Although this may be a profitable transaction to the Commissioners, and we may not lose, yet it may be a very undesirable thing in the interests of the public. In that case I would vest in the Commissioners a power, if they thought fit to exercise it, to re-divide the property amongst the tenants, bringing these scattered portions of holdings together, so that they might be cultivated to advantage.

5351. Apart from the question of the inconvenient distribution of lots, suppose there were a very large number of very small tenants upon a property, you would be practically creating a number of small freeholders far under the limit of 20 l. a year, which you have suggested as the approximate limit below which a small freeholder cannot do very well. I ask, upon that principle, would you suggest any discretion being vested in the court?—I would give the court the most absolute discretion in all cases, but if I were the judge I would not exercise the discretion in that case not to sell to the tenants; the tenants are there, and although I would do everything in my power to consolidate the holdings and to prevent sub-division for the future below a certain minimum, yet dealing with tenants as they are, I do not see where you could draw the line. It would be a most invidious duty to impose upon the judge, and I do not see how you could do it.

5352. I do not suggest that the judge or court

Mr. Flanagan—continued

should say, I will sell to A. B. C. and D., because they are big tenants, and refuse to sell to E. and F., because they are not; but I would ask whether you would leave a discretion to the body to decline to buy in such a case?—I would leave them, as I have already said, absolute discretion, but if the tenants were willing to buy, I do not see why this new body should have any regard to the size of the holding; the only question should be as to the tenant's ability to buy. I might regret very much to see a large number of small tenants whom I thought unlikely to be able to live comfortably upon their holdings buying them, but there they are, and I do not see how you can limit or restrict the working of the Act.

5353. You have given the Committee a calculation, which you have been good enough to make of the number of properties coming into the Landed Estates Court, which under such a proposition as you have suggested, you assume would continue pretty much the same; but supposing the effect were to offer such large prices to landlords generally as to induce them to bring their properties into the Landed Estates Court in greater numbers than at present, would you approve of that?—That is putting a hypothetical case, but I cannot believe in such a thing happening, because that body should be able to offer such a price as would induce landlords to rush into the court pre-supposing such an extraordinary increase over and above the ordinary price of property that I think it is quite impossible to expect it to happen.

5354. We have had some evidence to the effect that the tenants would be enabled to offer considerably more under such a system as this than they are at present, or at any rate that it is likely the transaction would be carried out in that way?—You may have a great number of tenants anxious to purchase, and a tenant in possession naturally will give more for his plot than any other man can afford to do.

5355. If it were possible to get over the difficulty of disposing of the residues, and also to give every possible facility in the direction which you have already suggested to the Committee, taken in connection with the evidence that we have had already, that the tenants are willing to give more than others for their holdings, do not you think it likely, if the Commission were to make no profit which is not contemplated of course by your plan, that they would be able to offer a higher price than is generally given in your court at present?—It must be necessarily a somewhat higher price, because to be the buyers they must be the highest bidders. In cases where they have made up their minds that they could sell with advantage to the tenants no doubt they would bid, but I do not think the extension of the power would have such a large operation as to render probable such a result as you anticipate. Even doubling the figures that I gave just now, then instead of selling all the property in Ireland to small tenants in 350 years, you would only get through it in 175 years.

The O'Connor Don.

5356. I presume a good deal of this property which is sold in your court is not new property?—Certainly not; I have had the same property five or six times before me in rapid succession.

5357. You



Mr. Plunket.

5357. You would not, as I understand, be yourself in favour of any arrangement which would to any great extent stimulate the sale of property by landlords?—I should be very glad to see a considerable part of the property of the country held by solvent and substantial tenant proprietors; beyond that I should not be prepared to go; I should be very sorry to see a revolution, if I may call it so, in the property of the country, that is to say, the property of the country except away and put into the hands of tenant proprietors.

*The O'Connor Don.*

5358. I think we may take it, from your evidence, that you are of opinion that no very considerable extent of property can be acted upon under the Bright's Clauses without the establishment of such a Commission as Mr. Vernon recommended, as the establishment of such a tribunal as you have recommended?—Certainly.

5359. With regard to this general recommendation which you have made, of imposing these duties upon your court, I understand that one of your principal reasons for recommending it is, that the work could be much more economically carried on in that way than by the establishment of a new Commission for the purpose?—I believe so.

5360. You propose to utilize for the work the staff of the Valuation Office. I presume you have made that recommendation without any individual knowledge whether that staff is now available for such duties or not?—I have not considered that question; I know they have a large staff, and I have assumed that the staff would be available.

5361. But you have not any practical knowledge as to whether the persons composing that staff have their time fully occupied now or not?—I have not.

5362. Would it alter your opinion with regard to the recommendation to use the Valuation Office, if you were aware that it had been stated in evidence that the whole time of the present staff of that office is so fully occupied that they could undertake no new duties?—If it be so, then you must only go to some other body, or increase their staff. I think the staff of a department of that kind is, if I may use the term, like the skeleton of a regiment, you may fill up the number very easily. They have all the materials there, and a vast accumulation of documents from the time when Sir Richard Griffith made his celebrated valuation. The necessary increase to the staff in that particular department, I think, could be very easily made, what I may call the store of information at the command of the department being there ready to be used.

5363. Do you think that an increase of the staff would not be equal in cost to the cost of a separate Commission?—It would certainly be nothing like it.

5364. Have you any idea, and I suppose you have, of what would be the cost of a separate Commission?—I can only judge by the cost of the Church Commission. The cost of the Church Commission has been, I believe, about 28,000 £, but you must exclude 4,000 £ a year for the salaries of the Commissioners, and that would leave about 24,000 £ a year. I do not mean to say

*The O'Connor Don—continued.*

that such a Commission as Mr. Vernon contemplates would cost that amount, but at the same time it would cost a considerable sum of money I believe.

Chairman.

5365. The sale of lands to tenants, as you are aware, forms but a very small proportion of the duties of the Church Commissioners?—Quite so; they have to conduct the sale of tithe-rent charges, and perpetuities, and the arrangement of commissions for the clergy, and so on; their duties are very varied.

*The O'Connor Don.*

5366. You have recommended, I think, the utilization of these existing public bodies without any very intimate knowledge of how they are at present occupied, or of their capabilities for carrying on the work?—Quite so. I have made the suggestion upon the hypothesis in my own mind that the Commissioners of Valuation have, from the nature of their duties, facilities for acquiring information about valuations, which no other body possesses, except perhaps the Board of Works, who in connection with drainage works and improvements under the Land Act, have a staff of valuers of considerable experience.

5367. Could you state to the Committee, shortly, what amount of property has passed through your court since the passing of the Bright Clauses, which would be eligible for the application of the principle of these clauses?—The Duke of Argyll's Return will show that to a certain time the continuation of the return I have not got; I believe there is no continuation to it. I see by the Duke of Argyll's Return, as far as it goes, that the amount of property sold in 1871 was 950,000 £; in 1872 it was 776,000 £; in 1873 it was 1,243,000 £; in 1874 it was 867,000 £; and in 1875 it was 502,000 £; that is the entire amount which could have come, and which came within the operation of the Bright's Clauses.

5368. But the entire of that could have come within the operation of those clauses?—Yes; the entire of that was within the operation of the Bright's Clauses.

5369. That Return, I presume, excluded all properties in which there were jointures, and charges of such a character as would prevent tenants from purchasing?—No; this Return included all properties. Mr. McLagan's Return will show the amount of property which was not subject to jointure, or any charges whatever, and that is considerably less.

5370. Now with regard to the suggestion you have made of advances being given under the Bright's Clauses for the purchase of an interest less than the absolute ownership; is it not the fact, that at present under the Bright's Clauses the Treasury may make advances to purchase an interest of that character?—Certainly.

5371. If the owner of a perpetuity rent who has tenants, brings that property into the market, his tenants can get an advance from the State, to purchase the interest of their direct landlord, can they not?—Certainly.

5372. Therefore, the proposal you have made would only be an extension of that principle, allowing the tenant to purchase directly from the owner

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owner in fact what under the present system he is allowed to purchase indirectly?—Certainly.

5373. There would be nothing contrary to the principle at present pursued by the State in adopting the plan you have suggested?—Nothing whatever that I can see.

5374. You stated that in your opinion there would be a difficulty in inquiring into the interests of tenants under leases; now, supposing an estate is put up for sale in the Landed Estates Court, upon which there is a tenant holding under a long lease, and that it is thought advisable to make the tenant holding into a separate lot, in order that he may have facilities for purchasing it, have you in that case to inquire into the charges connected with the tenant's interest?—Certainly not; under the Encumbered Estates Act, and under the Landed Estates Court Act, irrespective of the Bright's Clauses, the only duty of the court was to ascertain the particular tenure, namely, whether there was a lease affecting the lands to be sold, or a tenancy from year to year. It was held, originally, on the contrary by Baron Richards and his brother Commissioner, that the court was not to ascertain who the tenant was; in other words, that if there were an old lease, they were not called upon to ascertain whether or not A. B. represented the original lessee, but only if there were a particular lease affecting the estate, namely, a lease, say, for a thousand years at so much rent. That case I remember being decided by Baron Richards soon after the institution of the Encumbered Estates Court. Under the Bright's Clauses we are obliged to go further, because as the money can only be advanced to a particular tenant, we ascertain who is the tenant. In fact, in the case you put, we do not go into that question.

5375. In such a case as that, a tenant holding under a lease could purchase his lot and get an advance from the Board of Works without any investigation as to his title in the lease. The case that I am assuming is this, that an estate is put up for public auction in your court, and that this holding is of such a character that you think it ought to be put into a separate lot by itself, in order to enable the tenant to purchase, and that is being put in such a separate lot by itself the tenant in open court purchases it. Now, under such circumstances as these, could the tenant having purchased that lot obtain an advance from the Board of Works to complete his purchase, without any investigation with reference to the charges which might be against him under the lease?—He could.

5376. Supposing that instead of the tenant purchasing directly in the court, some individual purchased the whole of the townland, and having purchased the whole of the townland, then sold to the different occupiers their separate interests in their holdings, and amongst others entered into an arrangement with the holder of this lease to sell to him his particular holding, would the Board of Works in such a case advance to that tenant the requisite amount of money to complete his purchase without any investigation of the charges under the tenant's lease?—That is not within our Act at all, because you pre-suppose a party buying in our court subject to a lease. The conveyance in that case would be made to that party, and the conveyance would be the conveyance of the estate subject to the lease. And then

*The O'Connor Dec.—continued.*

out of court after that, the party who has purchased contracts with each of the tenants to sell them their particular holdings, such a contract would have again to be carried out through our court, under Part 2 of the Act. If it be under Part 2 of the Act, you must investigate the title of the tenant.

5377. So that the law, as it at present stands, would place a difficulty in the way of the tenant purchasing, under Part 2 of the Land Act, an interest which he can at present purchase under Part 3 without that difficulty?—Yes, if the tenant himself buys, under Part 3 of the Act, the particular land which is covered by his lease the court does not investigate the title to his lease, and the conveyance would be made to him subject to his lease, because *non est* that he is really the tenant. There may be all sorts of charges made by the original lessee under whom the tenant may hold; but if the tenant were to go in under Part 2 of the Act, and contract with the landlord to buy that particular holding, the conveyance under Part 2 of the Act would be a conveyance absolutely discharged of all right, title, estate, and interest of every person whatsoever. Therefore it would be a conveyance to the tenant absolutely discharged of the lease under which he originally held. That might operate most grievously to the prejudice of third parties; and therefore the court, under Part 2, would be bound to, and always does, investigate the title of the tenant to the lease in that particular case. Under Part 3 of the Act it need not, because under Part 3 the conveyance is made subject to the tenancy, whereas under Part 2 it is made discharged of the tenancy.

5378. You would recommend that under Part 2 of the Act it should be made subject to the tenant's interest?—Certainly I would; that would save considerable expense.

5379. You stated to the Committee that some estates had passed through your court more than once; have you any means of saying whether, since the passing of the Land Act, the value of land has risen or fallen in Ireland?—That depends very much upon the nature of the property; the value of tenants' interests has risen enormously, and that is one reason, no doubt, why tenants' interests now come so much into our court; a tenant's interest is worth very much more than it was before the passing of the Land Act, but when you come to fee-simple estates it is a totally different question.

5380. What is your opinion with regard to that branch of the question?—My opinion is that the value of fee-simple estates has not risen since the passing of the Land Act.

5381. Has it fallen, or is it about the same?—If you take the price as the test of value, it has not fallen, but if you ask me the question in this way, assuming the Land Act had not passed, and a property were now put up for sale under the conditions existing prior to 1870 as compared with the same property now, I would say that the same property would bring a much larger price than the same property does bring now. In other words what I mean is this, that the passing of the Land Act has conferred upon the tenants certain rights which they did not possess before, and the result of that has been that the fee-simple value of property is unquestionably reduced, I will not say exactly by the same amount as the value

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value of the rights conferred upon the tenants, but to a certain extent. If you are comparing prices then with prices now, you must bear in mind that the prices of agricultural produce has increased enormously. If you compare the price of beef, mutton, and butter, which are the staple products of Ireland, you will see they have risen greatly since 1870, and if you look at railway and other securities, they have risen considerably since 1870, so that, although the selling price of property has not fallen, the value diminished, for the reasons I have just stated.

5382. Do you know of properties sold within this period which had been sold also previously to this period?—I could not make any answer upon that question without making a search.

5383. Passing to another subject, you have pointed out some difficulties in connection with the record of title; is it not the fact that the solicitors in Ireland have set their face against having estates recorded under the Act?—I believe that the solicitors, as a body, do not approve of it.

5384. Is it not the fact that it is almost an invariable rule, after an estate has been purchased in the Landed Estates Court, that the solicitors send round a regular printed form to their clients to sign, requesting that the estate should not be recorded?—They are obliged to do so, because under the Act, unless you sign a request that the title may not be recorded, they are obliged to record it; but with regard to the solicitors having an interest in not recording the title, I do not believe in that. If I bought a property I would not personally record it, and I will tell you why. Supposing the Duke of Devonshire buys an estate in the Landed Estates Court and records it, that estate, I assume, forms a very inconsiderable portion of his large estates. Under the Record of Title Act, every dealing with that particular estate he has bought, ought to be put upon the record of title step by step as he deals with it. Say the Duke of Devonshire's eldest son marries; he has an estate settled upon him of 50,000 £ a year, and this particular townland he has bought represents 300 £ a year of it; these settlements deal with this bit of estate which is on the record of title, and all the mass of it which is outside the record of title. Then you must put that particular portion of the settlement again upon the record of title; the expense would be enormous; and probably it will escape attention, because you are dealing with a very small thing in comparison with the gross bulk of the estate. It becomes a very inconvenient thing, but still you must deal with them as two separate estates. With the bulk of the property you must go to the Registrar of Deeds Office, and put on the register of deeds the execution of the settlement. Then if that particular townland is recorded, you must again go through the other process of putting it again upon the record of title. In every dealing of that sort you have that process going on, and in place of having one office, or one place where you can trace the whole title to the property, you have to sub-divide the title, the whole bulk of it going into the Registrar of Deeds Office, and the other part of it into the Record of Title Office. Therefore, for that reason, I would never, if I bought a property, put it upon the record of title, as the law now stands.

Q 51.

5385. Did I understand from you that you consider that the power of the Treasury is at present somewhat misunderstood with regard to advances; that they are not only able to advance two-thirds of the purchase-money actually paid, but also two-thirds of the purchase-money, including the value of the tenant's interest?—Not exactly so. (In the original Act of Parliament the words are clear; their powers are to advance two-thirds of the purchase-money. In the Supplemental Act of 1872, the Treasury were authorised to advance two-thirds of the value of the holding assessed by them; a totally different measure of value.

5386. I would ask you if you can define what you mean by the tenant's interest; do you mean the tenant right?—I do not profess to define anything, but the Treasury are entitled to advance two-thirds on the value of the holdings. Now the holding means the land within the tenant's tenancy, totally discharged from any tenancy whatever; it would be, in fact, two-thirds of the value of so much land in possession.

5387. That is to say, two-thirds of the value which the Board of Works might put upon the land through their valuator?—Yes.

5388. And it would not have any reference to the value which the tenant right would fetch in the market, would it?—I presume it would in this way. If there is a vacant holding upon a tenant-right estate, I presume the value of that holding to an incoming tenant or purchaser would include whatever the value of the tenant right in that particular estate may be, because the tenant or purchaser coming in then would buy the fee-simple of the land in possession absolutely discharged of everything.

5389. Do you mean to say that the Board of Works would have to calculate the value first upon the value of the land as land, and secondly, as to what the right of occupation would sell for in the market?—No, I think they are bound to take it as the value of land and land; but land and land in possession.

5390. I thought your answer might be understood to mean that the Treasury could advance upon two-thirds of the total of what the two values would come to?—No, I think they are authorised to advance two-thirds of the value of the holding, as assessed by the Board of Works.

5391. I gather your view upon the question of the operation of the Bright's Clauses to be, that you are anxious to see an enlargement of the number of proprietors in Ireland theoretically?—Of substantial and solvent proprietors.

5392. But when we come to endeavour to distinguish between those to whom the State might or might not make advances, you do not see your way to drawing a line?—Not with reference to existing tenants.

5393. That is to say, either in point of value or acreage?—Neither as to value nor acreage.

5394. You are aware, of course, that the experiment has already been tried under the Church Commissioners' sales to a considerable extent; that some 5,000 holdings or so have been sold to tenants?—The sales have been to a considerable amount, but I do not go into the figures. I never could follow them.

5395. I would ask you whether you think that the experiment is being tried sufficiently fast

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under these existing sales?—I could not quite say.

5396. Have you had any experience of the results of these purchases by tenants in cases where money has been advanced by the State?—None whatever; if your question means whether I have seen any properties which have been so sold to tenants, I have seen none whatever.

5397. A sufficient length of time has hardly yet elapsed, has it, to test the result?—That is a matter of opinion. If you could spread over the country all these 5,000, or whatever the number may be, of very small holdings which have been so sold, practically they amount to nothing.

5398. Were you not a Poor Law Commissioner in the time of the famine?—I was.

5399. What was your idea with reference to the causes of the famine?—The direct and immediate cause was the failure of the potato crop, but the great misery which was produced by that undoubtedly arose from the fact that the land was overburdened by numbers of paupers; there is no question about it.

5400. By persons occupying very small holdings?—Yes.

5401. Is there not the same fear if this creation of peasant proprietors is very largely stimulated, of the holdings being again sub-divided in the same way?—I do not think it is possible that it can be stimulated to a degree which will ever make the number of small holdings at all equal to what it was prior to the famine year. As I took the liberty of suggesting, the present number of holdings, assuming my view to be of any force, could not be increased. On the contrary, the probability is that in course of time it would become reduced, because, although I approve of sub-division not below a certain point, yet I think, in reference to many of the small holdings, the process would rather tend towards consolidation than otherwise.

5402. You mean that they would buy one another up again by degrees?—Yes; they would buy one another up by degrees. I have been looking to returns referring to the north of Ireland, where the small holdings prevail most, and the figures seem to show that there has been an immense diminution of the small holdings of late years; that they are gradually going up in the scale of size; holdings from one to five acres have diminished, and from five to fifteen acres have diminished in number, whereas from thirty acres and upwards the number has increased, so that the process has rather been to agglomerate than to diminish.

Chairman.

5403. That process in the north of Ireland must have been due to one tenant purchasing out another?—I rather think so.

Mr. Heggate.

5404. Has it not been a general feeling amongst landlords that consolidation was a thing to be encouraged up to a certain extent?—Quite so; the feeling prevails in every part of Ireland that consolidation up to a certain point is to be encouraged.

5405. And that scattered holdings are to be put together?—I think that scattered holdings are the most injurious things that can possibly be; I think the experience of the world proves

Mr. Heggate—continued.

that. In France, as I understand, the result is something perfectly amazing. I believe as a rule in France on the average the "parcelles," as they call them, that is to say, the sub-divisions of land arising from the law of succession are exceedingly minute. A man holding seven acres may have that divided into parcels, 16 or 20 bits, lying occasionally at considerable distances from each other. In some parts of France I believe that has become an intolerable grievance, and a very great source of difficulty in the transfer of property. For example, I find a commune in the "Memos" of 2,080 acres; 270 proprietors and 5,348 "parcelles," being 20 parcelles to each proprietor.

5406. I see you spoke of the experience of Flanders on the last occasion of your examination, in reply to a question which was put to you; may I ask you to amplify what you said then. Are you acquainted with Flanders personally?—I have been there, but I have no personal experience about it; my experience is derived from reading, but what I said with reference to Flanders was this: in depreciating the separateness of the possession of land from the ownership of land, I said that in Flanders there was an immense number of small holdings, and an immense number of small proprietors; that the ownership of the land and the possession of the land were very much severed from each other, and that the Flemish tenants were, as the result of that, the most rack-rented tenants in Europe.

5407. There would be nothing in this new State-created proprietors to prevent their losing their land afterwards, would there?—I propose that all power of sub-letting should be entirely abolished.

5408. Do you think you could tie them up for ever with a freehold without power to let?—"For ever" is a very long period of time, but the right honourable Member for the county of Londonderry put a question to me bearing upon this point the other day, and I felt the force of the question he put; I have turned the matter over in my mind, and I think I may say that I should meet the difficulty in this way: if a man became the purchaser of a holding, getting an advance from the Board of Works, I would have the advance registered; then after the expiration of the 35 years, or whenever the tenant had paid the loan off, I would make it obligatory upon the Board of Works, or the body receiving the money, to re-register the fact, so that it would keep up evidence that the holding had been originally bought under the Act of Parliament; after the lapse of 70 or 80 years it might be thought that sufficient had been done; the country might be then so much improved that there would be no necessity for the further continuance of the prohibitions.

5409. Your proposal would amount to this, would it not, that the parcel of land would continue as it was originally bought; if the man bought two acres it would be two acres for ever?—No; I would not allow him to sub-divide them into 20 different parcels, but he might sell them to his neighbours; and in the case of a man who had a holding of more than a certain tenement valuation, I would allow him to sub-divide down to a particular point. I have suggested a minimum as the point below which sub-division should

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should not be permitted, but with reference to existing tenancies I would not deter them from purchase in any way on account of their size.

5410. How would the State look after this property in the meantime, to see that your prohibition was not put aside?—The State, under the present Act of Parliament, is bound to look after these tenant purchasers in a much more stringent way; under the present Act of Parliament they are not allowed to alienate; I propose to allow them to alienate, but not to sub-divide their holdings, or at all events not below the minimum I have roughly indicated. Upon this point I would beg to observe that the provisions of the Act of Parliament are not very logical, because while forbidding sub-division they recognise it to a certain extent. If the tenant sub-divides now under the Acts as they stand, he incurs a liability to forfeiture of his interest under the Act of 1870, for public purposes. Now, in the Amendment Act of 1872, there is this very illegal provision, that notwithstanding the provision I have just referred to, that upon forfeiture the land is to be held for public purposes, the Board of Works is to sell that particular property, either whole or part (if of itself perpetuates sub-division), and having done so, are then to apply the money, not for the benefit of the public, but for the benefit of the party entitled thereto. In other words the Legislature, in the Act of 1872, distinctly recognises the very principle they protest against, namely, sub-division. Personally, I would protest against sub-division below a certain minimum point, namely, as I have before stated, the point at which the occupier can live and maintain himself comfortably.

5411. Do not you think there is some objection in the State being a creditor of the country to a large extent?—The State being a creditor is not a very desirable thing probably, but the State is the creditor in relation to a great many different operations under Acts of Parliament; the State is the creditor for loans under the Land Improvement Act, the Drainage Acts, and so on.

5412. With regard to the free-farm grant which you propose, you say you might still retain the control of the landlord, and that improvements would consequently not be impeded; will you explain to the Committee how the landlord's control is to be retained when he has parted with the proprietorship?—Because I would put as there are in leases now, provisions in the Act, that the landlord might enter, say for the purpose of making drains, or for the purpose of working mines and minerals, and for the purpose of shooting, fowling, fishing, and so on.

5413. That is generally a matter of compensation, is it not?—The ordinary compensation for surface damage, whatever it might be.

5414. Supposing you run a drain in the middle of an estate for the benefit of the estate, who is to pay for the surface damage?—The landlord, I presume, should pay for going in and opening up that drain.

5415. But the tenant would not have the power under that provision to object?—I do not think he should, because I would put in a provision that he should not object, and that he should contribute, if he derived benefit from it.

5416. Under a free-farm grant, the only thing the tenant buys is a certain fixed rent?—He buys the land for ever subject to a certain fixed rent.

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Mr. Braen.

5417. I think you stated that one of the principal things you looked for in carrying out the Bright's Clause was security for the money which was lent?—Certainly.

5418. I think you further stated that that was not the only thing that ought to be kept in view; am I right in understanding that the State in giving great facilities for creating these small proprietors has assumed a certain responsibility in regard to the country, and is bound to look after their interests and to continue that responsibility?—I think so.

5419. In that view of the case, I suppose you would consider when the period had arrived when the rent-charge terminated, and the purchase-money had been paid off, that although that particular portion of the responsibility ceased, the other responsibility had not ceased?—That is my view.

5420. Therefore it is that you wish these provisions with reference to sub-divisions and sub-letting to be continued beyond the period within which the rent-charge is payable?—Quite so.

5421. The difficulty in my mind arose as to how the State was to have the extraordinary authority with which it could support its claim to this position?—I suggested that forfeiture was one way in which the thing could be done, but I think that is an extreme measure; I think that merely a declaration that any act done by the tenant in violation of the law should be a nullity, would practically have the effect desired. For example, if a tenant were told that if he sub-divided contrary to the provisions of the Act against sub-division, the sub-division should be inoperative, I think that would practically prevent sub-division taking place.

5422. You do not think that these conditions being imposed would in any way take away the desire which the tenants now entertain to buy their holdings, or influence in any way the price they gave?—I think not; I think there is an insatiable desire on the part of the tenants to sub-divide, the only thing which now prevents them being the controlling hand of the landlord; but I am quite sure if a tenant bought a plot of land on the conditions that he should not sub-divide, save upon the terms which I have mentioned, he would not do it.

5423. I suppose I may take it that the opinion which you have expressed as to the tendency of the tenants to sub-divide, is derived from the experience which you have had as poor law inspector?—Both from that and from my experience as an owner of land.

5424. Have you yourself seen instances of sub-division in various parts of the country?—Yes, over and over again. In fact, I say from my personal experience with certain classes of property, more especially mountain properties held by small tenants, that one of the great difficulties of the landlord, at least in the West of Ireland, is to prevent sub-division. The tenants resort to the most ingenious devices in order to sub-divide.

5425. You do not agree then, I presume, with some witnesses who have stated before this Committee that the tendency of tenants to sub-divide has completely died out, and that if the State allowed the tenant of a large holding, say of 50 or 60 acres, to purchase his holding without any conditions, still the result would not be sub-division?

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Mr. Bruce—continued.

division?—I would qualify that statement by this observation. I think the desire for sub-division prevails less and less as you go up in the scale; the larger a tenant is the less likely he is to sub-divide; it is only the small tenants who, in my opinion and experience, are anxious to subdivide.

5426. Your attention, I dare say, has been directed to the report of the Royal Commission upon that question?—Yes. There is a very remarkable map which they issue at the end of Part I., to illustrate the passion for sub-division. That shows the sub-division which will take place in the course of one generation, the townland being cut up in the most extraordinary manner. This townland contains 305 acres, formerly occupied by two, but now occupied by 429, tenants. One map shows the mode in which the proprietors proposed to sub-divide the land amongst the tenants, and the other the way in which the tenants themselves wished to sub-divide the land. The result of adopting one of two plans, the tenants, was this, that the external fences amounted to something like a third or a fourth of the entire area of the property. If the tenants' plan had been adopted it was calculated that the number of miles the tenants would have to travel to cultivate their farms, according to their own divisions, would be about 18,000 or 20,000 miles in the course of a year, as against 5,000 in the event of the farms being sub-divided in the manner in which the proprietor proposed to do it. It is only an illustration of the passion for sub-division which existed in those days, and which as I have stated before, in mountainous countries at all events, exists quite as strongly as ever, the only check being the strong hand of the landlord to prevent it.

5427. It is suggested that that report refers to a state of things, and to motives which existed a great many years ago, but which have altogether died away. I believe that is not your opinion?—It is not my opinion.

5428. I believe there have been instances of more modern date brought forward to prove that that system still exists?—In the North of Ireland I have seen it over and over again. I have hardly seen a property in the North of Ireland, coming under the operation of any court, which has not been sub-divided in the most extraordinary manner, because it is not sub-division as to plots, but as to parcels, a bit here and a bit there. I attribute that state of things to this; it begins in tenant right. In the former years the small tenants in the North of Ireland, when there was a very extensive emigration, in many cases when they were about to emigrate, sold those little parcels of land upon the estate to other tenants, who held bits of their own at other and distant parts of the estate; and that in this way these properties have become parcelled out and sub-divided in the manner in which I have seen them over and over again.

5429. The object of the Bright's clause being to improve the condition of the general peasantry of Ireland, is it possible that that improvement could be effected with estates parcelled out and divided in that way?—Not in my opinion, unless you gave the controlling body the power of forcing the redivision of the estates amongst the tenants in suitable lots; what we call in the West

Mr. Bruce—continued.

of Ireland "stripping;" it may be a matter of some difficulty, but not of insurmountable difficulty.

5430. When you compare the work which would have to be done by such a Commission, or such a body as was suggested by Mr. Vernon, with the work done by the Church Commission, it is evident, is it not, that the work to be done by the new body would be a very much heavier work than the work undertaken by the Church Commission?—Undoubtedly, because under their Act of Parliament the Church Commission have no power to sell to the public until they have first offered the holding to the tenant; they have no power of saying to the tenant I will sell you this or that part of your holding, or redividing the property in any way; they must sell the holding as it is, but I would suggest that the power of the new body should be more extensive; that they should be at liberty to have their properties re-divided.

5431. Now with reference to the sales of Church estates sold in your court, did the Commissioners bring forward the proposals for the purchase, and were those proposals in all cases acted upon by your court?—Yes; in all cases of sales in our court of the Church Commissioners' estates we had nothing to say to the prices; the prices were fixed by the Church Commissioners, and then we offered the holdings to the tenants at the prices fixed; in fact, we had nothing whatever to do except settle the rental for the Commissioners; the Commissioners were bound to fix the prices.

5432. As far as you could ascertain, do you think that those prices fixed by the Church Commissioners were in all cases very advantageous as selling prices; were they high prices?—That is a question I hardly like to go into at all. If you ask me whether the Commissioners obtained very high prices for their properties, I must draw this distinction. They held two classes of estates, namely, first estates, principally in the North of Ireland, which really were town lands held by very small tenants, who may not have been very good tenants, I do not know how that was; and secondly, they held property in the South of Ireland, where the estates are not town lands, as they are in the North at all, but detached small bits of very valuable and fertile property, the remnants of the old church lands. In the old times, the monks whose property these principally were, knew perfectly well how to pick out the good land, and commonly these properties in the South of Ireland lie in the middle of a townland; properties of that kind were sold at a very high price I have no doubt, but other properties in the North of Ireland sold at very low prices, I believe. My reason for saying so is this: of course I looked to these things with great care; I obtained the poor law valuation of all the cases in our court of the church sales, and I may say, taking them all round, that, with one exception, the poor law valuation of the properties exceeded the rental; and, of course, if you take the rate of purchase on the rental, where the rental is less than the poor law valuation, you will get a good many years' purchase; but it is quite contrary to my experience in every part

Mr. Bruen—continued.

part of the country, that the tennement valuation should represent the rent.

5433. There were four test cases mentioned by Mr. O'Brien, of sales by the Commissioners to tenants, one of the properties sold being in Kilsenny?—Yes; that was the case of Owsery Hill.

5434. Mr. O'Brien stated, in answer to a question, "With regard to the Owsery Hill estate, I have not the figures before me, but I think I may say that the price was about 18 years' purchase of the rental;" perhaps you could tell the Committee the valuation of these lands?—I went through these cases with great interest, and I found very great difficulty in identifying the holdings referred to, because they are not given by name, and in Mr. O'Brien's original evidence the property is not named, but by reference to the purchase-money of the different holdings which he referred to, the average of which he gave, I did succeed in identifying a great many of them, and I can only say, in going into those which I did identify, that on totting the rents which appear in the return of the sales made by the Commissioners on the one hand, and totting the valuation on the other, I find that the rents are below the valuations; in other words, that the tennement valuation exceeded the rent. Therefore I formed my opinion that the rents in those cases must have been low rents, because I know no place in Ireland where the rent does not at least somewhat exceed the tennement valuation; there are some places in very poor and barren districts, where the tennement valuation and the rent are very nearly equal, but that there should be uniformly tennement valuations above the rent in a number of properties is quite outside my experience.

5435. What you say would lead the Committee to the conclusion that the sales which have been made to the tenants by the Church Commissioners have been on unusually favourable terms to the tenants?—I can only say, with regard to the particular cases I have been able to trace, that I consider that the properties of a certain class were sold cheaply.

Chairman.

5436. How many cases have you been able to trace?—I traced 14 holdings in Owsery Hill.

5437. These were in one glebe?—Yes, all in the same glebe, but I went through other glebes; I did it because naturally I read Mr. O'Brien's evidence with great interest, especially the statement with regard to these particular cases, and I wanted to see how far I could form an opinion with reference to the prices which had been obtained by the Church Commissioners as contrasted with the prices which we sold for. I may state in reference to our sales to tenants, that I made a calculation from a return furnished by the Board of Works, which is in the Appendix, and was headed in by Colonel McKerlie, and I worked out this result, that in those sales which are limited to our sales, with the exception of a very small sum, we sold to tenants at a rate of purchase averaging 24 years and a decimal upon the rental, and 26 years and a high decimal upon the valuation; that is to say, merely confirming my general experience of these cases, that the rent is always above the valuation, and that if we had sold at 30 years' purchase on the valuation, that at any rate contrasts very favourably with those sales by the Church Commissioners.

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Mr. Bruen.

5438. I think you told the Committee that certain easements, rights of way, and turbary, and other rights of that sort, were not investigated under the original Landed Estates Court Act?—They were not.

5439. But that by the subsequent Act they were investigated?—Just so.

5440. Am I right in supposing that the policy which dictated that change was the frequency of litigation between the tenants which took place on account of those rights, and that it was judged prudent to put a stop to that litigation as might arise from uncertainty, and to define with certainty those questions at a certain period of the sale, so that there should not be further litigation?—I may take it upon myself to assert that there was no policy of the kind at all about it. I will give the Committee a history of the Act. The Act of 1858 was drawn by Judge Martineau. It was his idea to put in those clauses about easements; there had been no litigation amongst the tenants sufficient to justify or render it necessary to have an investigation of those rights. I can only repeat the French proverb, "*Le feu ne rend pas la chaudière*"; the advantage you derive does not compensate you for the trouble and cost of ascertaining them, and there is almost impossibility in many cases of ascertaining them.

5441. But the uncertainty as to those points does cause a great deal of bad feeling and litigation in Ireland, does it not?—No doubt; they fight about all rights of property.

5442. If an estate which had been held hitherto under one owner were dispersed by these sales into the hands of different owners, being the tenants themselves, would there not be a much greater tendency to litigation than there was before?—The tendency would be greater, because such particular owner then would become more jealous about any rights to be exercised over his property; but if you mean whether there would be any practical difficulty in working a conveyance to each of those particular owners protecting the easements as previously engaged, I think there would be none.

5443. I do not mean to suggest that there would be a difficulty, but I would ask whether the fact of those rights being defined, would not to some extent place the matter at rest as affording greater certainty with respect to them?—No doubt, but at enormous expense.

5444. At the same time this expense could be avoided merely by erasing the difficulty which must arise sooner or later, and which may, if not settled, give rise to a very great deal of fighting and litigation; is not that so?—I think not necessarily, because the tenants are not always fighting or at tenned with each other; they may have occasionally a dispute about a right of way or an easement, but as a rule they live quietly with each other. If I convey to a man a plot of ground subject to all the rights of way which his neighbour had previously used, there is no reason why that should cause more litigation after the conveyance than it did before.

5445. But still having previously been under one landlord, and then having that authority withdrawn, which was generally used previously in the direction of peace making, surely there would be more danger of dispute between the tenants themselves?—No doubt there would be some danger of that; a man having an acre of ground in his own hand would be more jealous than

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Mr. Bruce—continued.

then he was when it was not his own absolute estate, but still I think the expense of ascertaining the rights of way is quite in excess of any advantage to be derived from it.

5446. I wish to ask one question with regard to what you said about the price of land sold in your court; I think you stated that the value of property had increased, but that the price of the land sold in your court had not increased since within the last 10 or 20 years?—I say the price has not increased; the price is very much what it was before the passing of Mr. Gladstone's Act; but what I say is this, that the value of the property has greatly increased, and the way I test it is this. Say, for example, that there was upon an estate a farm which had been in the possession of the owner prior to the Act of 1870, that farm would now in the market bring a very much higher price than it would then, because the price of agricultural produce, beef and mutton, and all those things, has risen greatly. The country is, in my opinion, unquestionably more prosperous now than it has been at any time in my recollection.

5447. Then it follows that it is the landlord's interest in an estate which is brought into your court which has not increased, and that the value of land as land has increased?—Where the estate is tenanted it has not increased.

5448. Is it not a consequence that the landlords in selling their interest have been deprived of the increased value of the land by the passing of the Land Act?—That is a corollary to the other proposition.

Mr. Richard Smyth.

5449. But you do not find that the landlords are more disposed to sell their estates in Ireland since the year 1870 than they were before?—Not at all.

5450. So that the alteration produced by the Land Act has not at all induced landlords to get rid of their land?—Not at all.

5451. With reference to the advance being two-thirds of the value of the land purchased, I think you stated that in some instances the rule under the Act of 1872 operates in favour of the purchasing tenant?—It ought to do so; but as I understand, the general idea appears to have been that you could only advance two-thirds of the purchase-money. I was rather astonished at it, because the Act of 1872, which I have before me, says this, "The Board may agree to advance to such tenant any sum not exceeding two-thirds parts of the value of such holding as assessed by the Board," which is quite a different measure of value from the other.

5452. But in point of fact does not that frequently tell against the tenant?—I do not know what it does. I can hardly imagine a case in which it would; it might tell against the tenant if the tenant bid a great deal more than the absolute value of the property.

5453. Is it not the fact that the Board of Works generally takes the tenement valuation as the test value?—I do not know exactly how the Board of Works proceed, because that does not come under my notice; all I know is that the Board advance a certain sum of money, but how they ascertain the sum of money I know nothing about.

5454. Suppose we assume it to be the fact that the Board of Works generally do take the tenement

Mr. Richard Smyth—continued.

valuation as the test of value, and that the purchase-money is calculated upon the rental, which is higher than the valuation; then the advance upon the valuation would be really less than the two-thirds of the purchase-money?—Of course it would.

5455. I think you calculated that at the rate at which land had been transferred since 1849, it would take 350 years or so, for all the land in Ireland to change hands?—Yes.

5456. But even though all the land in Ireland did change hands during that period, we are not to infer that all the land would pass which could pass under the Bright Clauses?—Certainly not.

5457. So that even if we increased the facilities under the Bright Clauses, there is no probability that even in 700 years it would have all changed hands?—Not the slightest, in my opinion.

5458. You were asked a question with reference to the Irish famine; is it your opinion that potatoes grow better upon large farms than on small ones?—I am sure that the better the tillage the better the potatoes will grow.

5459. Do you think that the potato blight is owing to the small holdings?—No; I regard the potato blight as a dispensation of Providence; it attacked potatoes in all parts of Europe.

5460. You do not think that the food of the people was cut off because Ireland had been divided into small holdings before 1848?—I do not.

5461. Then with regard to sub-division, I would like to ask you this question; you did not, I suppose, intend to convey, in prohibiting sub-division, in the case of a fee-farm grant being made to the tenant, that such prohibition should take effect, provided the land were required for building ground?—I was referring to pastoral and agricultural holdings; such land as comes within the Bright Clauses at present.

Mr. Law.

5462. As I understand, you see such difficulty in reconciling the paramount interest of the landowner selling in your court with the object of enabling the tenant to buy, that you concur in Mr. Vernon's scheme of having a second body to intervene, and purchase the property in bulk for the purpose of afterwards selling if possible to the tenants?—I do.

5463. And that body you have suggested should have the facilities which your court and the Valuation Office would afford, with some extraneous aid to carry out that purpose?—Yes.

5464. I did not understand you to lay down with any precision the exact form in which this should be done, but the substance of your plan is that there should be some intervening body?—Yes, that would be the substance of it.

5465. With regard to your own court, I presume that you looked forward rather to a redistribution of business in it than to any creation of a new jurisdiction?—Quite so.

5466. It was a mere arrangement between the judges and amongst the staff?—Yes.

5467. And in proposing to utilize the Valuation Office you had regard to the knowledge which they possess of the exact circumstances of every holding in Ireland; you are aware that upon their Ordnance map which they revise every year, the limits of every holding in Ireland are accurately stated?—They ought to be.

5468. That



Mr. Law—continued.

5458. That of course would contribute to the body very valuable information?—No doubt.

5459. I should like to see exactly what the effect of the change you propose in your own jurisdiction with respect to easements, would be upon the matter we are considering. Supposing the Landed Estates Act of 1856 were framed as the old Incumbered Estates Act was, not obliging you to ascertain any rights of way or other easements, how would that affect your dealings with tenants. Is it not the fact that yearly tenements, *inter se*, can have, generally speaking, no rights of way or other easements at all as absolute rights?—I believe that to be so. I believe there is no difficulty with reference to the form of the Act in providing for that.

5470. It may be quite right to alter the present Act, but suppose the present Act to remain as it is, that only requires you to ascertain the rights which exist as legal easements over the property?—Quite so.

5471. As between property offered for sale and other property surrounding it?—Yes.

5472. But the Act does not affect rights as between the tenants?—When we come to sell as between tenants then we do so.

5473. But in so doing you are not carrying out the directions of the statute, but are creating easements irrespective of the statute altogether, are you not?—To a certain degree we are creating them, that is to say, we treat the easements which the tenants had previously enjoyed as legal easements, and we place upon the holding the continuation in fact of those easements.

5474. Is there anything in the present statute which obliges you to do so, or is it merely a question of convenience?—Partly the one and partly the other.

5475. If there are no easements existing, then one tenant can have no easements as against another tenant?—Perhaps not.

5476. Therefore your ascertainment and definition of these rights when selling their holdings to tenants it is not in pursuance of the statutory obligation?—It is by analogy.

5477. The change you propose should be rather a change in the form of your conveyance; that in place of creating specific easements which I do not understand that you are obliged to do at all, you should convey the farm to the tenant purchaser, with all such ways, &c., as he has hitherto enjoyed in fact?—That is so.

5478. Is there anything to prevent you from doing that now?—We consider, that under the provisions of the Act as it stands now, we are bound to ascertain them.

5479. Surely that is not so?—The practice of the court since 1856 has been to ascertain them, and the 55th section requires the conveyance "to express, &c., the rights of way, easements, &c.," subject to which the sale is made. When we create them we make the sale subject to them, and therefore, express them in the conveyance.

5480. Perhaps the view taken is this, that as Parliament chose to alter the previous Act, and obliged you to specify the easements as between the land to be sold and other estates, by analogy you consider it would be a proper thing to specify the easements which should exist in connection with the holding sold?—Yes.

5481. Now, with regard to sub-division, of which you spoke, I suppose you would allow sub-division, with the consent of the controlling

Mr. Law—continued.

body, to meet exceptional cases, such as building and the like. Supposing the public body which you have suggested were constituted, and a loan were made, would you not leave that controlling body the power to consent to sub-division?—I would suggest this limit. Supposing a pastoral holding near a town, say a town plot, were sold, and it became the interest of the party to build there, or that, owing to the fact of the town expanding, it became necessary to build; in that case, by building, you would raise the tenement valuation, so that the value of the holding would then exceed the minimum that I have put.

5482. Where the provision with prohibiting sub-division was made, supposing a man desirous to sell and finding he could get a better price for his land by dividing it into two pieces and selling one to each of his neighbours, would you not allow some means of carrying out that arrangement which in fact would tend to consolidation rather than sub-division?—I would not object to that.

5483. Would not, then, the proper mode of meeting a difficulty be, to give the controlling body the power of consenting in proper cases?—I would not see any objection to that, because that would tend to consolidation, and it would meet cases which might perhaps arise, as I have stated, with reference to town parks.

5484. Your proposal would be that there should be some provision against sub-division, unless with the consent of the controlling body?—Requiring the consent of the controlling body might put them in an invidious position, because it might be assumed that they were bound to give it. I would make it an exceptional provision.

5485. It might be done with the consent of the court, perhaps?—I am not prepared to say under what form it might be done.

5486. In speaking of the costs of recording estates, you gave the Committee the gross amounts; could you give them the elements of the 11s 17s 2d. which you say it costs to place a conveyance upon the record of title?—Yes, I have the items, which I beg to hand in. (The same were handed in.)

5487. You proposed originally, I think, to get rid of a good deal of the cost of conveyancing by a vesting order?—Yes, for the purpose of transferring the lands sold according to my suggestion to the Commissioners.

Mr. Meeson.

5488. With regard to sub-division, would you intend that sub-division should be forbidden after the amount which was advanced by the State had been repaid?—I would, below a certain limit.

5489. Would you do so whether the occupier was able to pay off the loan advanced by the State or not?—Certainly.

5490. You were asked, with regard to the operation of the Land Act, whether it depreciated the value of fee-simple estates; am I right in understanding your evidence to be, that the value of tenant interest now coming to be sold in the court is increased?—Unquestionably the value of tenant interest is enormously increased.

5491. But that although the price of fee-simple land had not depreciated, the value you consider had?—Yes.

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5492. That

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5492. That is to say, its value had not risen as it otherwise would have done?—Yes.

Mr. Meldon.

5493. Do you consider that owing to the circumstances of the country, fee-simple land is more valuable than it was in 1870?—I consider that fee-simple land in possession, with the tenant's interest, is more valuable than fee-simple land was in 1870 without a tenant.

5494. Do you make that statement from figures, or from experience?—From experience.

5495. Could you give the Committee any figures showing what the value of an estate in fee-simple in possession was previously to 1870?—I have no statistics with regard to that.

5496. But you argue, from agricultural produce being very much increased in value, that therefore the value of the land must be very much increased?—Certainly the value has been rising for years.

5497. In 1878 do you remember what was the average number of years' purchase upon all sales in the Landed Estates Court?—The number of years' purchase varied in the different provinces; I suppose from 23 years to 31 years.

5498. I find in Dr. Hancock's Report on the Judicial Statistics of Ireland, that he says, "In 1876 the average of all interests sold in the Landed Estates Court was 20·9 years"?—Yes; but that average includes "all interests," short leaseholds, tenants' leases, and every possible interest.

5499. I suppose we may take that figure as being substantially accurate?—I have no reason to doubt it.

5500. Dr. Hancock states that the number of years' purchase for all interests, for the four years ending 1875, was 19·10 years' purchase?—I presume he is correct; I have no means of saying anything to the contrary.

5501. In 1875 Dr. Hancock states that the average of all interests was 19·11 years' purchase, which shows that it was something less than in 1876?—Yes.

5502. He gives for an average of three years ending in 1872 19·10 years' purchase as being the average for the sale of all interests?—No doubt.

5503. Dr. Hancock says that for the three years ending in 1869 the average number of years' purchase was 17·43?—But at that time property was very much depreciated.

5504. What year might we take?—When Mr. Gladstone introduced this Land Act it paralyzed all operations in our court for a considerable time; nobody knew what was going to take place. Until after the passing of the Act of 1870, and for two or three years prior, while the matter was under discussion, everybody was alarmed. The few properties which were sold were sold by incumbrancers, and under pressure; purchasers were afraid of buying, except at a reduced rate of purchase.

5505. As a matter of fact, comparing the three years before 1869 with the three years after 1870, there was no very great increase upon the sale of all interests?—But after 1870 if you take the averages you have the great sale of the Waterford estate, an immense estate, where the rental was below the teneement valuation for a very large sum of money, and the rates of pur-

Mr. Meldon—continued.

chase were enormous; some were 42, 41, 44, and 35 years, and so on.

5506. That was a fee-simple estate, was it not?—It was.

5507. What year was that sold in?—It was sold in, I think, the very year of the passing of the Land Act; partly in that year, and partly in the succeeding year.

5508. Then the amount of the purchase-money of that estate would go to swell up the average of the sales of fee-simple estates?—It would go to swell up the average of all estates.

5509. Passing from that to the fee-simple estates, I find that in 1874 the average number of years' purchase was 22·8, whereas for the three years ending in 1869 it was only 21·94; that shows a substantial increase on the average of the sales of fee-simple estates?—It appears to be a slight increase, no doubt.

Major Nolan.

5510. Do you remember the sale of the Headford Castle estate?—In a general way, I do.

5510<sup>a</sup>. Was not that estate an estate very well suited to the operation of the Bright Clauses?—I think so; they are a very substantial thriving tenantry.

5511. And yet there were very few purchases by tenants upon that estate, were there not?—There were very few.

5512. Can you account for that; was it from want of information?—No, because they were large tenants, quite able to know what was going on.

5513. Did it arise from the difficulty of obtaining money?—I do not know how that is.

5514. Or from the advance obtained from the Government not being large enough?—I cannot say that; my experience is, that the large tenant is not at all desirous or anxious to buy; he does not consider it his interest to do so. He pays a considerable sum of money for his holding, and if he invests his capital in agriculture or business he gets 7 or 8 per cent., according to the season; whereas he would only get 3 per cent. otherwise.

5515. Were not there a large number of tenants of about 20 or 30 acres upon the Headford Castle estate?—I will read what the solicitor says upon the subject; he says: "The estate contained 7,847 acres, and was divided into 38 lots. Lot 37 contained 1,404 acres, and comprised the residence and demesne of Headford, with some holdings immediately adjoining. Lot 38 consisted of the town of Headford. Of the remaining 36 lots 12 were occupied by one tenant only; nine by two tenants on each lot, viz., Joseph Petty, tenant of lot 14; and Mr. F. O'Flaherty, tenant of lot 35; and two became the purchasers of the lots on which their holdings were; viz., Robert Botherill, tenant on lot 4, and Martin Lyden, tenant on lot 8. The only other tenant on the estate who purchased, was John Morris, who purchased lots 1, 10, 11, 21, 25, and 28, but he was not a tenant on any of those lots. He was, however, tenant on lots 5, 6, and 37, and sole tenant of lot 30, but did not purchase any of them. One of the purchasers only, viz., Joseph Petty (lot 14) applied to the Board of Works for a loan, under the Bright Clauses, but the Board declined it, inasmuch as

Mrs.

Major Nelson—continued.

Mrs. Sophia St. George's annuity was a charge on the entire estate" (that may account for it, but no application was ever made before me in respect to it); "Mr. O'Flaherty, the purchaser of lot 35, it is submitted, could not borrow from the Board, he having under-tenants on the greater portion of his holding. He was a solicitor, has a considerable interest under his lease, besides other property, and is a justice of the peace of the county. Lot 2 was held in undivide, the tenants on it having several plots scattered over the townland. One tenant, whose entire acreage was 14 acres 32 perches, had 28 different plots on the townland, and some plots, ranging from six to eight acres, were divided into 12 parts, so that it was impossible to divide this lot for the individual tenants to purchase." That is the statement of the solicitors to me in reference to the estate.

5516. Was the estate put up in lots in a manner in which the small tenants could have bought it?—No, because, as I tell you, the acreages are considerable. I do not see any acreage in the list less than 84.

5517. Will you hand in the list showing the lots in which the estate was put up?—I will. (The case was handed in.)

Mr. Finslett.

5518. Can a record of title be of any practical advantage without a compulsory record of deeds?—I do not think there is any connection between record of title and record of deeds; you record the transaction; supposing a transaction is recorded upon a record of title, you get for that what they call a certificate of title; they are two different processes altogether.

5519. When you were speaking of the tendency to sub-division, your experience related entirely to sub-division by tenants, and in no case by freeholders, did it not?—It related to sub-division by tenants.

5520. So that the case need not necessarily apply to freeholders?—But I would apply to those tenants who are to be converted into freeholders or fee-simple holders the same obligation not to sub-divide as existed while they were tenants.

5521. A restriction against sub-division, except where it was for the purpose really of amalgamation by selling to another and contiguous holder, would meet your idea?—It would, except on the question put by the Right honourable Member for the county of Londonderry with regard to building; there might be cases with reference to building which would be fairly exempted from that sub-division clause.

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## A P P E N D I X.

## Appendix, No. 1.

PROPOSALS FOR THE GRADUAL CREATION OF A FARMER  
PROPRIETARY IN IRELAND.

Appendix, No. 1.

THE following proposals, having been maturely and repeatedly considered by a number of Irish gentlemen, representing different forms of religious and political opinion, are now submitted to the judgment of the public.

The undersigned has been requested by his constituents to give his name, which he does, not as claiming exclusive authorship, but as a guarantee of good faith.

10, Lower Mountjoy-street, Dublin,  
14 February 1868.

Henry Dix Hutton.

## INTRODUCTORY REMARKS.

THE following proposals are suggested by the gravest considerations, political and economic, arising out of the history and condition of Ireland. The end sought is the gradual creation of a farmer proprietary; that is, of a body of men encouraged by security of tenure to improve their holdings, and thus identified with the interests of settled government and rational progress. The means proposed are to combine acknowledged principles and established institutions, with powers and instruments calculated to secure the co-operation of land-owners and land-occupiers.

Measures of confiscation or emasculation are emphatically disclaimed. The recognition of "religious equality," now imminent, will, it is assumed, lead to the disendowment of the Established Church of Ireland. Now there is a broad distinction between public property held in trust for, and virtually owned by, the State (property applicable therefore to the general advantage) and private property, which is governed by very different principles. Under the former head fall tithes, Church lands, in fact all property set apart by the State for the performance of public trusts; under the latter, all other property, including vested life interests in Church revenues, lay tithes, and private rights in Church lands. All the former class of property is subject to be disposed of for public objects, as dictated by the actual wants of society, and liable to vary with the necessary changes in the policy of the State. The object here proposed as the fittest and best for Ireland is to further the solution, by peaceful means, of her land difficulty.

Accordingly, it is suggested that the Board of Works and Valuation Commissioners be conjointly appointed *Tithe and Land Commissioners*, for gradually converting into a capital fund the tithes and other property now devoted to support the Church Establishment of Ireland, as the life interests of the Clergy fall in; to be employed by them in assisting the formation of a *farmer proprietary in Ireland* by the methods hereafter suggested.

The following estimate, taken from the most recent official returns, represents approximately, but, it is believed, with sufficient accuracy, the income and capitalised value, immediate and prospective, of the public property hitherto applied to the use of the Established Church in Ireland. The estimate here submitted is probably under, and even considerably under, the actual value.

The public Church property in Ireland falls under two heads, according as it is now applied, either for the support of incumbents enjoying life interests, or to other purposes connected with the Established Church. The former kind, if capitalised, might be fairly estimated to yield, in each year, during a period of 30 years, two-thirds of the present income so applied; assuming that the interests of existing incumbents will have expired in 30 years, and, taking the value of tithes and glebe lands as being together worth 20 years' purchase. The Church property which is free from life interests may be regarded as capable of immediate capitalisation at a rate of 20 years' purchase; which, so far as concerns the interest in Church lands vested in the Ecclesiastical Commissioners, is probably a good deal less than what it would bring, especially if sold to the lessees of Church lands themselves. An examination of the most recent public returns\* justifies the conclusion that the

*Tithe*

\* From *Parl. Paper, House of Commons*, 1864, No. 907, it appears that the gross revenue derived from tithes and glebe lands, received or occupied by Bishops and Incumbents of the Established Church in Ireland, is £80,428 l. 8 s. 1 d.; the net revenue 448,045 l. 15 s. 10 d. To this net revenue must be added the sum of 10,266 l. 4 s. 4 d., being the amount of the tax on bishoprics and benefices paid by bishops and incumbents to the Ecclesiastical Commissioners; as must also be added the deductions for visiting fees, 0.51.

## Appendix, No. 1.

Tithe and Land Commissioners could immediately dispose of funds equivalent to a capital of about 3,000,000 *l.*, with a yearly sum of not less than 340,000 *l.* during 30 years. The total ultimate value of Church property may be computed as being on the lowest estimate 13 millions sterling. In case it were impossible or inexpedient to realise the funds at once, the State might safely make the necessary advances. The application it is here proposed to make of these funds will not dissipate them; on the contrary, the greater part, if not the whole, would ultimately be disposable for other public objects in Ireland.

## PROPOSALS.

## FUNCTIONS OF THE TITHE AND LAND COMMISSIONERS.

I.—To assist or enable occupying tenants of agricultural land, either to purchase their holdings, or to acquire the ownership subject to a fee-farm rent, with a right of redemption on stipulated terms.

II.—To purchase eligible estates, or portions of such, in order to convert the occupiers into owners; either at once, or at the expiration of a terminable rent-annuity, or by giving a fee-farm grant subject to a redeemable rent.

## I.

## OCCUPIERS PURCHASING OR TAKING IN FEE-FARM.

(A.)—Under ordinary Sales in the Landed Estates Court.

The agricultural property sold in the Landed Estates Court, and which could be bought by occupiers, may be valued at from 300,000 *l.* to 400,000 *l.* each year. The Court not merely carries out previous contracts for sale, but on ordinary petitions not unfrequently sanctions private sales for the benefit of the estate. Occupying tenants have occasionally bought their holdings under such contracts, or by public bidding. There is every reason for believing that the comparative infrequency of such purchases may be attributed partly to the difficulty tenants experience of procuring capital beyond what is absolutely requisite for farming; partly to the want of a suitable machinery for facilitating such dealings with the tenants. The Court should therefore be authorised to make arrangements, (a) for facilitating purchases by occupiers of estates brought into the Court for sale; (b) for sanctioning fee-farm grants to occupying tenants, to be made before sale, with or without fines, but empowering the grantees to redeem the reserved rents at a specified rate of purchase. The Court would of course sanction only such dealings with occupiers as were beneficial to all parties, and ratified by the persons substantially interested.

In the case of tenants purchasing, the Commissioners would contribute part of the price, not exceeding a prudent advance. This should be adequately secured by a recorded charge repayable by instalments, or a recorded rent-annuity calculated to repay principal with moderate interest in a specified period, or sooner if the tenant were able.

In the case of tenants who could not purchase without sacrificing their agricultural capital, the Court should be empowered to sanction arrangements for granting them their holdings in fee-farm, either at an advanced rent, or at the present rent, but paying a fine, with a right of redemption on specified terms. The increase of rent, or the fine, ought to be so regulated as to prevent any loss to the estate. The Commissioners might make advances in aid of the fines, and afterwards of the redemption money, in like manner as for purchase money.

In any of the above modes of dealing, the tenant applying his own savings and assisted by the Commissioners to purchase, pay a fine, or subsequently to redeem, would thus eventually become an incumbent proprietor, being subject in the meanwhile to an annual sum, very little, and in some cases not at all greater, than the rent theretofore paid to his landlord. The possibility, however, of effecting the operation with ease and advantage to both tenants and owners, must depend on the advances being made at a low rate of interest. This is demonstrated by the large and long continued experience of Prussia and the other leading states of Germany, where the Governments used their financial credit to facilitate the

sale of vicarage curacies, and other charges for the support of the Established Church, by which the above gross revenue is realised in the net return.

Parl. Paper, House of Commons, 1867, No. 371, gives the income of the Ecclesiastical Commissioners, derived from one estate, suspended benefices, appropriated tithes, and other public property, for the year ending 1st August 1865, at, in round numbers, 125,000 *l.* Of this income, 13,700 *l.* is in the ecclesiastical tax above referred to; and an annual sum of about 24,000 *l.* is affected by life interests of incumbents. As regards the Church lands, their capitalised value must be obtained by adding to the market price of the income derived therefrom by the Ecclesiastical Commissioners, the value of the unendowed perpetuities, estimated at 1,125,000 *l.* It is well known that the Church lands were let on leases for 21 years, renewable by custom every year on payment of fines, and that the head leases, and much of their tenants in hold by similar leases, with covenants for renewal for ever, acquired under the Act of 1834 (3 & 4 Will. 4, c. 37), the Ecclesiastical Temporalities Act), the right to convert these renewable leases into freehold gross, subject to a perpetual rent (comprised of the actual rent and fines), paying also a sum as compensation for the reversionary right of the Commissioners under the Act. The obstacles which chief, and other perpetual, rents oppose to dealings with land render their extinction a matter of public policy; and, with this view, the Act of 27 & 28 Vict. c. 25, was passed, for encouraging voluntary arrangements of that sort. In respect of Church lands, this object might be facilitated by the Tithe and Land Commissioners dealing, as far as possible, with the head leases or occupiers, who may hold under *taille gavelle* leases.



the conversion of occupiers into owners. On a like principle, the Public Drainage Loans in Ireland are repaid in 35 years, the borrowers paying a terminable annuity at the rate of 5 l. per cent., of which  $3\frac{1}{2}$  per cent. are applied to pay interests and expenses, while the residue,  $1\frac{1}{2}$  per cent., remains for redemption of the principal at compound interest during the period mentioned.

(B).—*By Agreement between Owner and Occupier.*

The principles embodied in the "Leases and Sales of Settled Estates Act," and the "Landed Property Ireland Improvement Act, 1869," Part 2, should be extended, by authorising incumbered and limited owners to contract with agricultural occupiers for the sale of their holdings; or grants in perpetuity subject to a fee-farm rent, with or without fine, but made redeemable on specified terms. The sanction of the Landed Estates Court should, however, be necessary to make such contracts binding on all parties. The purchase money and fines should also be made payable by the tenant to the Court, who would apply it to discharge incumbrances, or in other ways beneficial to the parties interested. The Commissioners might make advances to the tenants for purchase money, fines, or redemption, respectively, as above indicated.

## II.

### PURCHASES BY THE TITHE AND LAND COMMISSIONERS.

The Commissioners should be empowered to buy as ordinary purchasers in the open market, either on sales in the Court, or by private contract to be carried out by the Court; such properties to be resold, or granted in fee-farm by them to the occupiers on the principles above suggested. The redeemable fee-farm rents would be resold; their amount, or the fines taken, being calculated so as to prevent loss to the public funds so far as possible. Limited and incumbered owners should be empowered to deal with the Commissioners for the sale of the fee-simple, under the sanction and with the aid of the Landed Estates Court.

The proposed function of purchasing estates is one which would, doubtless, require the exercise of great care and a wise discretion on the part of the Commissioners. Cases might occur where a purchase, though on the whole advisable, would present the disadvantages of a numerous class of tenants whose holdings were too small for comfortable subsistence or profitable farming. The best mode of meeting these difficulties would probably be to authorise the Commissioners to buy up such interests on terms just and even favourable to the existing tenants.

Where the owner was neither incumbered nor limited, the powers suggested would not be needed. In such and every case, however, public policy, and the complete security of the advances made out of public funds, would render it advisable that all dealings with or through the Commissioners should be carried out by the Landed Estates Court, and the land so purchased or acquired in fee-farm, placed upon the Record of Title.

### REMARKS ON FOREGOING PROPOSALS.

Under judicious management the proposed measure could, it is believed, be carried out with the Church funds, and their ultimate repayment rendered a certainty. That measure ought not indeed to dispense with other remedial legislation, as between landlord and tenant, or a limited owner and his successors; such as compensation for improvements, inducements to grant leases, and enlarged powers of leasing and charging the inheritance with the amount of beneficial outlay. Nevertheless, it may reasonably be expected that the operation of the plan above suggested would be extensive, sufficiently rapid, and beneficial to all parties interested in land. On the one hand, large proprietors selling considerable portions to occupiers at good prices might thereby relieve themselves of onerous burdens, and realise capital for improvements. On the other hand, the indiscriminate or ill-considered conversion of small holdings into fee-farm would be guarded against, by giving, as above suggested, large discretionary powers to the Landed Estates Court and the Commissioners.

The last 20 years have witnessed two revolutions in Ireland, one legal, the other agricultural, which deserve a special mention.

The Incumbered and Landed Estates Courts have wrought changes great, and in the main beneficial. But one serious defect existed from their foundation, and still operates—the absence of power to secure to tenants the value or enjoyment of retrospective improvements, made or purchased by them, even where made under local customs, unrecognised indeed by the law, but generally respected by the old landowners. Thus, the Court in selling land was obliged, to use the language of a late eminent Judge, to "administer injustice;" placing the tenants at the mercy of strangers ignorant or regardless of their equitable claims. The measure now submitted would check this evil, by encouraging dealings between the owners and occupiers. Moreover, the occupier who now pays a large sum for a precarious "goodwill" might acquire the fee simple; and being thus secured in respect to past and future outlay, he could well afford to give a price exceeding the ordinary selling rate in the open market.

## Appendix, No. 1.

The agricultural revolution in Ireland has been no less remarkable. The repeal of the corn-laws and enormous emigration have largely promoted the consolidation of farms. The larger class of farmers, with holdings of 30 acres and upwards, has thus been greatly augmented.\* Constituting, as there now do, one-fourth of the entire number, and farming three-fourths of the total acreage, they eminently require the inducements of tenure and security to lay out capital in buildings,—both houses and offices,—drainage, and other permanent improvements essential to a good rotation of crops and the rearing of cattle. It is certain, also, that there has been a continuous and extensive reclamation of waste land, mainly through the patient industry of the occupiers. It may be doubted whether any better way can be devised for securing to this humble but deserving class of cultivators the reward of their persevering industry, or even for rendering lands of that nature as profitable as they could be made, than that of assisting the occupiers to become owners of the farms which they or their ancestors have in fact created. Such a process of conversion, carried out gradually and with due discrimination, is not, as some allege, at variance with economic principles; while it would unquestionably conciliate the goodwill and secure the loyal support of a class which represents more than one-half of the agricultural population of Ireland.† Neither, it is considered, need any particular disturbance be apprehended as the consequence of the gradual introduction of a farmer proprietor on the plan here submitted. It is surely unwise to disregard the experience of other countries—both Continental and Colonial, or to countenance apprehensions which ignore the vast changes in population, laws, and education wrought within a single generation in Ireland.

It due weight be given to these changes, with their results actual and still more prospective, the objections so often and strongly urged against a farmer proprietor in Ireland, may be estimated at their real worth and no more. The formation of such a class, on the principles above described, must be very gradual. There seems, therefore, to be no good reason for doubting that even small landholders, who by their industry and saving had won the position of unincumbered proprietors, might be safely left to the operation of these principles of free trade which are loudly and justly proclaimed as governing larger property. The changes in the population and agricultural system of Ireland since the failure of the potato in 1845 have essentially altered the antecedent disposition of tenants towards sub-letting and sub-divisions. It is well known that in many parts of Ireland the tendency during the last 20 years has been to increase the size of existing farms, by the adjunction of surrounding holdings. These tendencies towards aggregation have been likewise greatly strengthened by the vast diminution in the population.† It may be safely stated that there is nothing now like the same anxiety to sub-divide and sub-let farms as there used to be before the Irish emigration set in.

It is a wholly different question whether, pending such ultimate conversion of occupiers into owners, a transitional policy of supervision and restraint might not be desirable. Both the general interests of society and the security of advances from public funds seem to justify, if not require, such temporary intervention. It demands, in fact, no new law, but might be completely provided for by requiring, as regards all properties purchased or acquired in fee-farm as proposed, the consent of the Commissioners or owners of fee-farm rents to subdivision or enslothing, so long as any portion of the purchase money or fine remained charged, or any part of the rent unsatisfied.

But, apart from economic grounds, serious political exigencies enforce the necessity for measures which, exceptional though they be, if tried by a purely English standard, are, it is believed, sound in principle, and urgently called for by the antecedents and circumstances of Ireland. Her history and situation peculiarly justify a policy destined to render without violence, injustice, or risk, the best portions of her agricultural population co-partners in the soil of which their forefathers were once the owners. Gladly would we consign to oblivion the sad recollections of religious oppression and wholesale confiscation which neglect and injustice have kept alive among the Irish people; but, to effect this end, there is only one way; complete religious equality and just land legislation. The plan submitted would, it is believed, meet the real wants of the Irish people, promote the true advantage of all classes, and help to restore peace and confidence in Great Britain and Ireland.

In conclusion, it seems advisable to refer to an opinion which has of late been industriously disseminated, the opinion that nothing short of utter revolution and separation from Great Britain will satisfy the people of Ireland, and that it is therefore useless to propose measures of peaceful reform. There is good reason for believing that this view is alike erroneous and mischievous. Between the extreme revolutionary party on the one hand, and the party of extreme conservatism upon the other, stands the great mass of the people of Ireland, among whom reigns no doubt much discontent, but a discontent having its origin in real causes, not in visionary schemes, and which it is rash and statesmanlike to treat as incurable till the legitimate methods of cure have been attempted. There seems to be no good reason for doubting that if, by some such ways as above suggested, the tenure and industry of the peasant be made secure, the affection and allegiance of the people will follow in the wake of their interest; and, as has become the case over the face of the continent of Europe, the rural population will be the most determined enemies of revolution. If something more be ultimately necessary for the complete satisfaction of Ireland, and if it become a question whether she would not have greater power over her own internal affairs than at present, with a result will come naturally and peacefully with the disappearance of that division which artificial causes have fostered among her people, and will so come in a spirit of adhesion to the British connection and of loyalty to the Throne.

\* See the Appendix.

## Appendix (A).

AGRICULTURAL STATISTICS of *Ireland* for the Year 1865.

NUMBERS of HOLDINGS Classified according to the Total Extent of Land held by each Person, and the entire Extent of Land under each Class of Landholders.

Classification of Holdings.	Number of Holdings in each Class.	Proportion per Cent. of Holdings in each Class.	Extent of Land held by each Class of Landholders.	Average Extent of the Holdings in each Class.
Holdings not exceeding 1 acre -	48,709	8.1	25,405	A. R. P. 0 2 3
do above 1 5 acres -	35,978	1.5	285,310	3 2 4
" " 5 15 " -	175,793	2.8	1,827,994	10 1 24
" " 15 30 " -	136,778	22.8	3,033,338	32 1 12
" " 30 60 " -	71,761	11.9	2,803,484	40 1 16
" " 60 100 " -	54,304	9.1	4,001,731	78 1 27
" " 100 200 " -	21,836	3.6	5,296,480	120 0 15
" " 200 500 " -	8,278	1.4	2,816,565	346 8 38
" " 500 - - -	1,554	0.3	2,052,450	1,327 0 34
TOTAL - - -	680,956	100.0	20,339,994	—

SIZE and Number of HOLDINGS in *Ireland* compared in 1841 and 1865.

Size of Holdings.	Total Number of Holdings.
Above 1 to 5 acres, 1841 - - - - -	510,436
" 1865 - - - - -	35,978
Decrease in number between 1841 and 1865 - - - - -	229,454
Rate per cent. - - - - -	73.9
Above 5 to 15 acres, 1841 - - - - -	283,799
" 1865 - - - - -	175,723
Decrease in number between 1841 and 1865 - - - - -	77,076
Rate per cent. - - - - -	30.5
Above 15 to 30 acres, 1841 - - - - -	79,342
" 1865 - - - - -	136,778
Increase in numbers between 1841 and 1865 - - - - -	57,431
Rate per cent. - - - - -	72.4
Above 30 acres, 1841 - - - - -	48,025
" 1865 - - - - -	188,046
Increase in numbers between 1841 and 1865 - - - - -	140,023
Rate per cent. - - - - -	290.0
TOTAL, 1841 - - - - -	661,309
" 1865 - - - - -	541,516
Decrease in numbers between 1841 and 1865 - - - - -	119,793
Rate per cent. - - - - -	30.2

## Appendix (B).

RETURN showing the Number of AGRICULTURAL HOLDINGS, with the Area and (PUBLIC) VALUATION of each County in Ireland, together with the POPULATION according to the Census of 1881.

NAME OF COUNTIES.	Partly Agricultural Holdings, Valued at								Area.	Valuation,†	Population, 1881‡
	£. 4 and under	Over £. 4 and under £. 6.	£. 6 and under £. 10.	£. 10 and under £. 15.	£. 15 and under £. 20.	£. 20 and under £. 30.	£. 30 and upwards.	TOTAL*			
<b>LEICESTER:</b>	£.	£.	£.	£.	£.	£.	£.	£.	Acres.	£.	
Carlow - - -	1,253	895	378	332	454	1,359	666	3,664	213,403	348,244	40,473
Dublin - - -	9,939	1,837	441	333	335	1,658	1,370	8,793	212,363	958,956	82,769
Kildare - - -	2,424	1,445	501	373	354	1,548	1,494	10,048	410,768	273,627	67,381
Kilkenny - - -	3,336	2,369	970	1,253	1,327	2,388	1,361	15,412	584,034	330,026	56,452
King's - - -	2,325	2,826	569	1,485	635	1,655	1,015	11,048	489,043	236,980	68,736
Longford - - -	2,243	3,198	910	1,389	377	1,800	363	9,462	252,203	125,722	51,768
Louth - - -	2,644	1,674	622	1,046	633	1,170	709	8,494	195,546	172,623	37,848
Meath - - -	3,180	3,190	890	1,325	685	2,144	2,442	15,124	576,046	341,666	94,516
Queen's - - -	4,320	2,229	329	1,485	932	1,034	361	12,389	495,925	235,657	75,512
Westmeath - - -	5,092	3,236	734	1,433	639	2,026	1,364	11,719	456,871	224,254	73,779
Wexford - - -	4,108	2,520	1,323	2,246	1,618	2,419	1,296	16,958	573,152	335,164	115,373
Wicklow - - -	2,020	1,700	652	1,155	796	1,375	1,303	8,982	497,312	293,522	65,692
<b>Total - - -</b>	<b>52,604</b>	<b>24,305</b>	<b>5,780</b>	<b>10,088</b>	<b>10,440</b>	<b>22,314</b>	<b>14,786</b>	<b>132,471</b>	<b>4,756,348</b>	<b>5,160,956</b>	<b>875,238</b>
<b>MIDLANDS:</b>											
Gloucester - - -	2,022	4,943	2,082	3,036	1,449	2,433	903	16,958	757,931	591,248	175,250
Leicester - - -	7,475	3,480	2,420	4,725	2,622	8,679	3,625	36,665	1,831,436	550,644	37,558
Lincoln - - -	6,988	4,854	1,900	3,440	1,628	9,660	269	16,431	1,127,729	348,048	171,617
Nottingham - - -	2,020	2,532	1,000	2,026	1,314	4,068	2,023	17,007	626,545	423,666	145,612
Derby - - -	6,660	4,704	1,713	3,999	2,380	5,084	2,447	30,483	1,044,977	585,586	184,273
Warwick - - -	2,222	1,741	528	954	876	3,122	1,305	2,544	425,348	239,666	51,421
<b>Total - - -</b>	<b>29,688</b>	<b>22,932</b>	<b>9,270</b>	<b>16,612</b>	<b>11,372</b>	<b>35,311</b>	<b>10,866</b>	<b>126,711</b>	<b>6,918,654</b>	<b>3,739,658</b>	<b>1,165,416</b>
<b>CONSUMERS:</b>											
Galway - - -	17,797	10,086	8,297	5,090	1,482	2,431	1,623	68,222	1,686,464	421,484	229,336
Limerick - - -	4,936	8,434	1,467	1,713	651	686	148	14,930	223,448	126,655	57,195
Mayo - - -	10,612	54,480	2,113	3,399	925	1,561	684	36,974	1,201,179	378,424	227,613
Monaghan - - -	1,312	4,656	1,868	2,526	969	1,347	527	31,373	546,515	272,288	141,739
Sligo - - -	8,135	5,362	1,609	1,950	523	1,212	447	32,527	447,465	314,959	167,329
<b>Total - - -</b>	<b>54,962</b>	<b>37,690</b>	<b>9,248</b>	<b>11,154</b>	<b>4,086</b>	<b>4,925</b>	<b>2,768</b>	<b>126,664</b>	<b>4,207,069</b>	<b>1,385,787</b>	<b>402,422</b>
<b>CLERGY:</b>											
Armagh - - -	3,553	5,387	2,310	4,655	2,159	5,365	1,561	25,636	788,630	522,817	269,393
Down - - -	4,640	5,525	2,391	3,684	2,070	2,877	640	23,685	268,656	216,222	155,213
Ulster - - -	4,954	5,307	2,059	3,785	1,906	1,986	379	21,447	453,208	250,454	128,238
Donegal - - -	17,220	7,792	1,621	3,423	1,900	2,970	543	33,165	1,127,469	269,267	232,207
Down - - -	8,397	7,899	3,505	4,364	2,212	6,990	1,797	37,610	601,454	595,537	224,224
Fermanagh - - -	3,525	3,742	1,668	3,381	1,559	2,120	454	14,517	456,839	314,890	157,707
Londonderry - - -	4,950	8,165	1,981	3,672	1,619	2,472	878	16,516	509,320	236,615	145,026
Monaghan - - -	4,920	6,253	2,336	3,791	1,754	1,656	340	30,342	217,274	236,647	123,099
Tyrone - - -	7,627	9,165	3,132	5,614	2,638	2,548	567	31,469	776,458	370,551	167,669
<b>Total - - -</b>	<b>54,038</b>	<b>57,621</b>	<b>21,725</b>	<b>33,944</b>	<b>19,531</b>	<b>35,306</b>	<b>6,815</b>	<b>221,646</b>	<b>5,232,652</b>	<b>3,631,725</b>	<b>1,664,864</b>
<b>Total - - -</b>	<b>174,962</b>	<b>145,955</b>	<b>45,430</b>	<b>73,806</b>	<b>45,979</b>	<b>66,308</b>	<b>68,952</b>	<b>408,894</b>	<b>20,196,187</b>	<b>10,100,593</b>	<b>4,266,519</b>
<b>GRAND TOTALS of the Area, Valuation, and Population of Ireland - - -</b>									<b>30,816,430</b>	<b>13,245,225</b>	<b>5,796,980</b>

\* Two or more holdings in the occupation of the same person are estimated separately.

† The above Returns do not include the Valuation of estates, towns, or town parks, millages, or other, &c.

‡ The Population includes all persons and their families, with their families.

General Valuation Office, Dublin, }  
14 March 1887. }

Richard Griffith,  
Commissioner of Valuation.

## Appendix, No. 2.

PAPER handed in by Mr. Urwin, 21 March 1876.

## DRAFT OF SCALES OF COSTS AND FEES.

Where the Purchase-money does not exceed 900 L.\*

	Where the Purchase-money does not exceed 400 L.	Where the Purchase-money exceeds 400 L., and does not exceed 900 L.
1. Agreement for sale under Section 25 of the Act; two copies for signature and attesting -	£. s. d.	£. s. d.
2. Instructions for application to the Court to carry a sale into effect under the Act (No Term fee allowed in proceedings under the Act.)	- 6 6	- 10 -
3. Statement under the Rules and Schedules thereto; draft, verification, and lodgment in Court -	- 6 6	- 10 -
4. Copy of statement or of document to accompany same, or of any other document required, per folio of 72 words -	1 11 6	2 2 -
5. Fee to Counsel to settle the statement, or supplemental statement -	- - 2	- - 3
6. In an application under the said section for sale of an entire estate, or in any other case of unusual size or difficulty, the Judge may allow a further fee, in his discretion, both to Counsel and Solicitor.	1 1 -	2 2 -
7. Attendance to obtain docket for lodgment, and to lodge duty or deposit, or other sum of money in the bank -	- 5 5	- 10 -
8. Attendance to obtain draft, draw out money, and give receipt -	- 5 5	- 10 -
9. Attendance to bespeak and obtain map and particulars from the General Valuation Office -	- 5 4	- 6 8
10. Notice of application, or to accompany map, or to draw out fund, or other usual notice, draft, three copies, attending for signature, and to transmit, including postage -	- 10 -	- 12 4
11. And for every copy of a notice required over and above three copies, including postage -	- - 6	- 1 -
12. For insertion of notice in each separate newspaper which may be directed -	- 3 4	- 5 -
13. Conveyance (see below).		
14. Approval of Conveyance by Vendor's solicitor, where it is taken out by a separate solicitor for purchaser (payable by the latter) -	- 10 6	1 1 -
15. Affidavit of adjoining owners, or to ground application to draw out fund, or other usual affidavit, if not exceeding six folios, instructions, draft, copy, swearing, and filing -	- 10 -	- 13 4
16. And for every folio beyond six, the further sum of -	- - 8	- 1 -
17. Objection, same as Affidavit, Nos. 15 and 16.		
18. Application on behalf of the tenant to the Board, for advance of money to complete purchase, and receiving reply thereto -	6 8	- 10 -
19. Supplemental Statement, where directed and certified for by the Judge (Rule 8)		
20. Reading, or perusing and comparing deeds and documents properly set out on original or supplemental statement as material to the title, so far only as certified for, and not to be allowed more than once for the same document -		
21. Conveyance by the Court under the Act. Instructions, draft, obtaining approval, attending at Court, Custom-house, printers, &c., and all usual attendances in relation to conveyance -		
22. Schedule of Incumbrances when directed by the Judge (Rule 16) -		
23. Hand-search by solicitor in Registry or Judgment Office, where necessary, either before the statement is prepared, or before distribution of the fund, and affidavit verifying same -		
24. Attendance in Examiner's Office to vouch statement, produce searches, and take directions -		

One-half of the costs which would be allowed on taxation in the usual practice of the Court.

Three-fourths of the costs which would be allowed on taxation in the usual practice of the Court.

\* As to costs where the Purchase-money exceeds 900 L., and costs not herein provided for, see Rule 28.

## Appendix, No. 3.

## PAPER handed in by the Chairman.

Appendix, No. 3. NOTES of a VISIT to some CHURCH LANDS, where TENANTS have Bought their HOLDINGS, and also to other CHURCH LANDS, where TENANTS have not yet Bought their HOLDINGS. By *G. Shaw Lefevre, M.P.* (22nd December 1877.)

To the Secretaries of the Statistical and Social Inquiry Society of Ireland.

Dear Sirs,

It has been suggested to me by Dr. Hancock that it may not be without value to the Statistical Society that I should put on record the notes of a visit which I have paid during my short stay in Ireland to two of the properties of the Church Temporalities Commission, subject to the clause of the Church Disestablishment Act giving a right of pre-emption to the tenants.

My object was that I might personally judge of the motives which the tenants had in view in effecting the purchase, and of the results, so far as they could be ascertained by ocular proof, and by conversation with the new owners.

By the advice of Mr. Marrough O'Brien, I selected for my visit two properties in the neighbourhood of Newry, one of which was sold four years ago to the tenants, and the other which, owing to some technical difficulties, is only now about to be offered to its tenants.

1. The first consisted of about 250 statute acres, distributed in 21 small farms, with an average rent of 1*l.* 4*s.* per acre. All the tenants of this property bought at rates of about 24 years' purchase of the rental. The property is in a purely agricultural district; the land, light and undulating; the tenants are small farmers of about average condition.

The following are the notes of my conversations with the new owners:—

1. A. B. farms 30 acres, for which he paid the Church Commissioners 516*l.*, the whole of which he paid down. He spent some years of his life as an engineer in the merchant service; later at Liverpool as a marine store dealer. A few years ago he inherited the tenant's interest of a small farm of eight acres, and subsequently bought the tenant's interest of an adjoining farm of 12 acres, for which he paid 350*l.*, or 30 times the rent. Since his purchase of the fee from the Commissioners he has built a range of superior farm buildings, at a cost of 500*l.*, tiled the floor of his house, put in an excellent kitchen range, and had drained and reclaimed a part of his land. He would not have done this, he said, but for the security of ownership. There was general satisfaction, he told me, among his neighbours at having become owners. Those, however, who had to borrow the balance of the purchase-money, beyond the amount left on loan by the Commissioners, had a hard struggle. A neighbouring lawyer lent them money at 5 per cent., which they were paying off by degrees, and they could not lay out money on improvements until these debts were discharged. Those who had not borrowed were making improvements. He, himself, works harder now than ever before; likes the life. His wife would rather be in Liverpool.

2. Farm of 2½ acres, rented at 2*l.* 15*s.*, bought for 77*l.*, of which the tenant paid down 39*l.* This he borrowed in small sums from different persons, giving 1*l.* for use of 10*l.*, for 10 months; 10*s.* to a sister for 11*l.* for a year, and so on. Has repaid most of it, and will soon be free. Is a labouring man, working at wages for the clergyman, to whom he has let a part of his land for grazing; his wife does washing, and uses the remainder of the land for drying clothes. They are well pleased to have the land for their own; expect to have it free before they die. Wife said: "It all seems like winning (saving) now; we never could save before."

3. Tenant bought his little farm of 5½ acres for 164*l.*; is 92 years of age; has nine sons and two daughters. Seven sons at sea; one of them, sailing out of Newry, gave the money for purchase, and last year gave more to build an additional farm building; has a most slated cottage, gate piers, and iron gates to fields. A son, aged 40, who was for some time in Hospital at New York and Dublin, far gone in consumption, told me he had every comfort, and all the care he needed at home.

4. Farm

4. Farm of 17 acres, rented at 27*l.*, bought by tenant for 648*l.*, of which he paid down 226*l.*; saved this at sea; "many a salt wave went over his head for it." Since his purchase he paid 87*l.* for building materials; has converted his thatched cottage into a two-storied slated house; would have rebuilt the house in any case, but would have had no security unless he bought, and is well pleased to be the owner; has seven little girls too young to help him, and lives wholly by his labour on the farm.

5. Tenant bought 10 acres for 273*l.*, of which he paid down 75*l.*, but borrowed this from friends. Wife says her husband is an able seaman in vessel trading between Liverpool and Rotterdam; borrowed the money lest they should be turned out of the farm. Four months ago her eldest son, "a fine quiet boy of 25," died; he used to work on the farm; the now finds it hard to struggle on, her second son being only 13. No improvements effected, but they hope to pay off the debt.

6. Tenant, a widow, bought 9½ acres for 314*l.*, of which she paid down 79*l.*. Family consists of mother, two daughters, and a boy of 15. The eldest daughter, a fine able young woman, full of spirits, says they borrowed 75*l.* at 6 per cent. All but 15*l.* has now been repaid. She works on the farm, and the family have no means of living except from it. A brother in Liverpool sent a few pounds towards the price. How do they manage? I asked: "Well, just cooling and supping." Last year they had a good bit of flux, and paid off 10*l.* "Why did they say?" "Every one said, 'If ye don't, yer 'ill be thrown out, and may go and lie behind a hedge.'" Home is thatched, clean, neat, and comfortable.

7. Farm, 51 acres; bought by tenant for 1,683*l.*, which he paid in full. Is now farmed by the son; the father lives in an adjoining property.

8. Tenant bought the farm of 15 acres for 421*l.*, of which he paid down 106*l.*; leaves the remainder on mortgage. Purchaser died, leaving farm to his son, but in charge of his widow. Son, aged 15, is at sea; will soon be able to help his mother out of his earnings. Father, a Scotchman, was tenant of a farm of 95 acres in Fermanagh; sold the tenant-right of it for 600*l.*, and bought this farm. Widow says he preferred being the owner of a small farm to being tenant of a larger farm. Since they came they have greatly improved the house.

9. Farm of 18 acres, bought for 508*l.*, of which 128*l.* paid down; purchaser died three years ago, leaving farm to his widow for life, and then to his youngest son. Other house property was to be sold; 300*l.* to go to his eldest son, and remainder to second son. Property sold for less than was expected, and only sufficed for eldest son's portion. Widow is laying by for the second son: "Please God," when she has done this, she will pay off the debt to the Commissioners. She is well pleased with purchase of farm. It enables them to be independent, and to save. She added that those who had to borrow from other quarters have had a hard struggle.

It might be dangerous to draw conclusions from this limited number of cases on one property, were it not that they confirmed in every respect the evidence which was laid before my Committee of last Session. In every case it was clear that great benefit has resulted from the purchase. Ownership has been a spur to increased industry and thrift. In many, it has prompted improvements. If it has not had this effect in all, it is because the first obligation has been to pay off the money borrowed from other sources than the Commissioners. It has lifted the family in the social scale from the position of tenant, dependent on the good-will of a landlord, who might be changed at any moment to that of owner. It has caused a hard struggle in not a few cases; but these struggles will not be without their result. The money paid off the land remains in the value of the farm as a nest egg for the family. The increased industry and thrift of a few years required to pay off the loans will establish a habit for the future; and the freehold and tenant-right of the farm together will always fetch a high price in the market.

It will be seen that many of the families I visited are in part supported by contributions from some one or more members of the family at sea. In this respect, the district is perhaps fortunate, from its proximity to Newry, where such employment can be easily found. I have, however, always contended that small landowners are not necessarily to be expected to derive the whole of their sustenance from the land. Some members of the family may obtain employment elsewhere, and contribute to the maintenance of the family-home. The system thus working in with other employments, the home is maintained, to which in bad times, sickness, or in old age the absent members will return. I feel confident that many of the older people I saw would in England have been in the workhouse.

Under the English system, the nine small farms I visited, consisting of 150 acres, would be thrown into one. In lieu of nine families, such as I have described, there would be one farmer's family, four or five families of labouring men, each with perhaps a quarter acre of garden. The farmer and his family would be somewhat above those I visited in social status; but little above them in intelligence. The labouring men would be infinitely below them; without any hope of bettering themselves, without any sense of property, without any prospect in old age but parish relief. Even if the net produce of the latter system, looked at from the food-producing point of view, be greater, a point of some difficulty to determine, there would be few, I think, bold enough to advocate its substitution.

In a few years the sums payable to the Church Commissioners for interest and return of capital will cease, and the owners or their families will be free from anything in the shape of rent. Charges will perhaps accrue for other members of the family, when death of the owner occurs; but how infinitely pleasanter to pay the interest of such obligations to relatives, with the power of paying off the principal by thrift and industry, than to pay the rent. The main difference, however, will be that every pennyworth of labour invested in the land will remain the property of the family, without the smallest danger of being swept away by increase of rent. Who can doubt the benefit resulting from such a change?

II. The second glebe which I visited is of a very different character. It consists of 298 acres of light and in part very poor land, held by 27 tenants, and also of a barren and rocky mountain of 500 acres, held in common by them, and on which each tenant has the right of turning out cattle and sheep without stint. It lies in a mountain glen, rising to 600 feet above the sea, is difficult of access, and the rough road down the centre is not unfrequently a mountain torrent. The tenants' holdings are divided into two parts, the one, in the lower part of the glebe, where the soil is comparatively good; the other in the upper part, where the land is miserably poor, and has been reclaimed from rock and bog with infinite difficulty.

The holdings have not yet been offered to the tenants, but will shortly be so. The average rents are under 5*l*. It may be presumed that the purchase-money in each case will scarcely exceed 100*l*; in many cases will be below that sum.

I saw and conversed with most of the tenants. I found them without exception anxious to buy; but doubting whether they can find the balance of the purchase-money. The following are the notes of cases which appear to be worthy of record:—

1. Rent, 5*l*. 17*s*. Farm consists of two plots, about a mile apart. House thatched, walls good, roof bad. Tenant has thirty sheep on the mountain; wanted to know if he bought the farm and paid one-fourth of the purchase-money, whether he would still have to pay rent; would strive to buy, and would sell some of his sheep for the purpose. Intended to have slated his house: "The sheep would have staid him well for that."

2. Rent, 4*l*. 6*s*. Tenant forty-four years old. Returned from America a few years ago, with some money; did so at request of his father and mother, since dead. Spent his savings in building a slated house—a neat, tidy, two-roomed cottage. Has no money in hand now. A brother in America might help him to find the purchase-money. "The town," he said, "will be apt to borrow rather than let a landlord over them. Will put themselves to great scrims to do so. It will do me no great good in my time; but I'd like to buy for my children." Doesn't live here as well as he did in America, but has no intention of leaving the place.

3. Farm 16 acres; rent 4*l*. 14*s*. One-half the farm is rough and rugged bank of a mountain stream, of little value. Has a comfortable slated house, built by his father, who reclaimed all the available land on the farm. His farm is two miles from the country road, and 600 feet above the sea. The road is kept in repair by the tenants—often at great expense, on account of the mountain torrents. A son in Liverpool helps him sometimes out of his wages. Has five sons and three daughters at work or in service in England. They often come to him for a month's holiday. Intends to buy, and is encouraging his neighbours to do so.

4. Slated cottage, and half an acre at the highest point of the glen on the edge of the mountain. Tenant, a poor woman, with one illegitimate daughter, aged 15. Daughter was knitting and mother preparing to spin when we called. The neighbours say she was betrayed under promise of marriage, and that she is now a most respectable, industrious woman; works hard among the neighbours. She is anxious like the others to buy, but has no money or stock of any kind; couldn't buy even if she got her place for 5*l*.

Though this property differs from the previous one in many respects, yet it has this in common, that the tenants exhibit the same desire to obtain possession of the land; the same dread of a new landlord, who may perhaps buy merely as a speculation, and in the hopes of screwing up the rents by a few pounds. There is the same feature, that the tenants are largely dependent on other resources, on wages of other members of the family, or on other work; and there is evidence of the same inter-dependence between the rural family home, and the wage-earning members in the centres of human industry, which is promoted so much by the facility of communication.

I cannot but come to the conclusion that society is as much interested in those smaller and poorer tenants becoming owners, as their somewhat better-conditioned neighbours on the other property.

Looking at the condition of these tenants, and the difficulty of making them understand the nature of the offers made to them by the Church Commissioners, I am the more surprised at the success of the Commissioners in effecting sales to so large a proportion of their tenants; nor am I less persuaded of the difficulties which must necessarily attend and prevent the sales to such people in the Landed Estates Court.

One point only of criticism I have to make on the action of the Church Commission. Their present terms are somewhat more hard upon the tenants in small holdings than upon those with larger holdings. If the purchase-money is less than 100*l*, the Church Commissioners will only advance one-half the purchase-money, by way of mortgage; and



and if less than 60 *l.*, they will make no such advance. After seeing the poor tenants in the mountain glen I have spoken of, I cannot but come to the conclusion that it would be wise and just to treat the lowest class upon even more liberal terms than those above them.

For such small holdings the tenant-right in respect of the house bears a higher proportion than in larger holdings. The security of the Commissioners is therefore better; and the Act of last Session, giving equitable jurisdiction to the county courts, removes any difficulty which existed against lending money to such small owners. The small owners find it also more difficult to borrow elsewhere. I would venture to hope, then, that this difference of treatment may be removed. I am certain that, as it stands, the rule will press very hardly upon the small tenants I visited.

I beg you will thank the members of the Statistical Society for their kind reception of me at their Council meeting, and at the meeting of the Society.

I am, &c.  
(signed) *G. Shaw Lefevre.*

Appendix. No. 3.

## Appendix, No. 4.

PAPERS handed in by Mr. Morrough O'Brien.

PARTICULARS of PURCHASE MONEY, COSTS, &c., in the Case of a Townland in County Tyrone,  
Sold for the Church Temporalities Commissioners in the Landed Estates Court.

No.	Purchase Money.	Paid in Cash to Commissioners.	Costs of Deeds.	Percentage of Costs on Purchase Money.	Borrowed by Tenant at 5 or 6½ per Cent.	OBSERVATIONS.
	£. s. d.	£. s. d.	£. s. d.		£. s. d.	
1	220 - -	55 - -	19 9 3	8 65	- - -	Tenant a schoolmaster.
2	461 - -	116 - -	20 12 -	4 46	100 - -	
3	85 - -	85 - -	11 7 0	13 38	- - -	Neighbour purchased, giving scrip a lease for 99 years.
4	118 - -	30 - -	18 17 3	15 95	20 - -	10 l. from children in America.
5	273 - -	273 - -	10 - -	3 65	100 - -	
6	177 - -	45 - -	19 - 6	10 74	10 - -	35 l. saved by tenant while in service.
7	215 - -	215 - -	9 15 -	4 07	- - -	Tenant a cattle dealer.
8	161 - -	30 - -	18 18 9	18 75	25 - -	
9	103 - -	35 - -	16 18 3	16 53	25 - -	
10	160 - -	40 - -	18 8 7	11 51	- - -	20 l. from friends in America.
11	115 - -	59 - -	19 - 3	16 55	20 - -	
12	279 - -	72 - -	19 13 8	7 28	- - -	
13	84 - -	42 - -	18 12 3	22 15	15 - -	27 l. from son in America.
14	78 - -	30 - -	18 12 9	23 88	- - -	Tenant's daughter in service purchased for him.
15	95 - -	48 - -	18 3 2	18 91	30 - -	
16	153 - -	40 - -	19 3 8	12 20	15 - -	
17	141 - -	35 - -	18 17 1	13 27	20 - -	
18	221 - -	58 - -	19 13 8	8 49	30 - -	
19	101 - -	26 - -	18 17 3	18 67	- - -	25 l. saved by tenant while in service.
20	216 - -	216 - -	13 2 9	6 08	- - -	Children of tenant purchased for him.
21	92 - -	48 - -	16 15 10	20 48	20 - -	
£.	3,491 - -	1,360 - -	337 - 11	10 91	450 - -	

**PARTICULARS of CHURCH LANDS Sold under Section 34, Irish Church Act,  
in County Kilkenny.**

Nos.	Price of Farm.	Paid down to the Commissioners.	Cost of Deeds.	Where the Money came from.
	£. s. d.	£. s. d.	£. s. d.	
1	1 - -	1 - -	- - -	Earned as a day labourer.
2	105 - -	97 - -	7 10 -	Sold stock.
3	140 - -	35 - -	7 - -	Sold stock; a "stripper," a heifer, and four ewes.
4	162 - -	41 - -	7 - -	Earned by road and other contracts.
5	121 - -	31 - -	0 10 -	Sold stock.
6	102 - -	20 - -	- - -	Sold stock, and "starved himself."
7	40 - -	40 - -	3 - -	Earned by dealing in cattle.
8	105 - -	20 - -	7 8 -	Bought by brothers-in-law of tenant, who live on adjoining estate.
9	110 - -	26 - -	7 - -	Sold stock, and borrowed from friends.
10	97 - -	25 - -	- - -	Interest of farm sold by tenant to a neighbour, who then bought the fee.
11	97 - -	25 - -	6 4 6	Sold stock, and borrowed.
12	183 - -	48 - -	7 10 -	Sold two cows, two calves, six sheep, and borrowed 10 <i>l.</i> at 20 per cent.
13	167 - -	100 - -	- - -	Made by rearing stock, and saved during many years.
14	113 - -	59 - -	- - -	Got 60 <i>l.</i> commutation money as tenant.
£.	1,443 - -	480 - -	59 8 6	

**PARTICULARS of some CHURCH LANDS Sold in County Waterford, under  
Section 34, Irish Church Act.**

Nos.	Purchase Money.	Cash paid Down.	Where the Money came from.
	£. s. d.	£. s. d.	
1	1,325 - -	310 - -	Savings of many years.
2	618 - -	618 - -	Borrowed from friends.
3	1,312 - -	323 - -	Sold part of above farm to pay for this.
4	1,145 - -	280 - -	—
5	75 - -	75 - -	Brothers in America sent 60 <i>l.</i> ; saved 25 <i>l.</i>
6	150 - -	150 - -	By consent of tenants, a solicitor in Waterford purchased, and is to give both these tenants leases for 500 years.
7	1,039 - -	260 - -	—

Appendix, No. 4.

## PARTICULARS of some Church Lands Sold in County Waterford, &amp;c.—continued.

No.	Purchase Money.	Cash paid Down.	Where the Money came from.
	£. s. d.	£. s. d.	
8	220 - -	220 - -	Same solicitor purchased by consent of tenants; terms of letting in future not defined.
9	680 - -	680 - -	
10	1,037 - -	290 - -	
11	1,037 - -	990 - -	
12	30 - -	30 - -	A solicitor in Waterford purchased, and is to give tenant a lease for 99 years at an increased rent.
13	1,942 - -	1,942 - -	
£.	9,669 - -	4,794 - -	

## PARTICULARS of Two Hundred Acres of CHURCH LANDS in County Cavan, Sold under the Irish Church Act.

No.	Price of Farm.	Cash paid Commissioners.	Cost of Deeds.	Where the Money came from.
	£. s. d.	£. s. d.	£. s. d.	
1	325 - -	44 - -	9 14 6	Marriage portion received by tenant.
2	376 - -	95 - -	10 - -	Marriage portion of tenant's son.
3	479 - -	130 - -	16 - -	Son, a doctor in India, gave it.
4	262 - -	102 - -	9 2 -	Saved off farm and by dealing in horses.
5	111 - -	37 - -	6 6 -	Son of tenant in service, bought out of his savings.
6	28 - -	23 - -	2 - -	Saved by tenant's wife out of her earnings.
7	78 - -	78 - -	3 19 6	Borrowed at 6 per cent.
£.	1,662 - -	564 - -	66 12 -	

About 100 acres were bought in the manner above stated by the tenants; the remaining 100 acres were bought, with consent of the occupiers, by a sheepkeeper in the neighbouring town.

## Appendix, No. 5.

PAPERS put in by *Sir Frederick William Heygate, Bart.*

## HOLDINGS IN PERPETUITY.—COUNTY DERRY.

Appendix, No. 5.

THE estate of the Vintners' Company of London, situate at Ballyghy, in the county of Londonderry, was leased for ever, in the year 1729, by them to the Right Honourable William Conolly, Speaker of the Irish House of Commons.

Between 1733 and 1803, Mr. William Conolly, and his son Mr. Thomas Conolly, granted leases renewable for ever to 319 tenants holding 23,500 statute acres for three lives, reserving an average rent of about 1s. 6d. per acre, with a fine of about half a year's rent upon the dropping of each life in the lease. The royalties, mines, minerals, &c., were reserved, and most of these perpetuity leases contained stipulations against alienation without consent of the lessors, except to the wife, children, or near relations of the lessees.

This tenure, in reality a perpetuity, and almost equivalent to a freehold, applied to holdings varying from a house and garden to one of as much as 670 acres 3 rods 16 poles, the average being of the whole, 107 statute acres to each.

There are now about 2,784 occupiers on the perpetuities originally granted to 319 persons; and in many cases, in addition, a father has sub-divided with his sons, although keeping the lease in his own name.

It is impossible now to ascertain the number of occupiers at the time the perpetuities were granted, but as in some cases the leases were granted for large portions of land, it is reasonable to suppose that there were at that time some under-tenants upon them.

The return of occupiers includes under tenants of perpetuity holders as well as perpetuity holders themselves. In order to form a true idea, the very large and very small perpetuities should be excepted—those where over 300 acres (say) and those in which only a house and garden in a village were granted—only taking account of those granted for agricultural purposes showing the original number of lessees and those at present representing them. There are no statistics from which an exact return could be made, and it would require long enquiry to ascertain the correct detail over several thousand acres of a thickly populated country.

Most of the leases are out of the hands of the descendants of the original lessors.

In several instances capitalists have bought up lease after lease until they have formed small estates, which they have let to yearly tenants, they themselves being generally absentees.

One holds 10 leases.

One holds 11 leases.

One holds 18 leases, &c., &c.

## LIMAVADY ESTATE.—COUNTY DERRY.

THE Limavady Estate, county of Londonderry, was let by Mr. William Conolly, the Speaker of the Irish House of Commons, between the years 1700 and 1720, upon leases (regular to Ireland) for three lives renewable for ever, at rents almost nominal, these leases being renewable on the fall of each life on payment of half a year's rent. Under the Renewable Leasehold Conversion Act of 1839, they have been almost all converted into perpetuities at rents consisting of the old rent, and an equivalent fixed yearly payment in lieu of the former precarious fine.

The holdings have been almost all more or less sub-divided or sub-let. The schedule underneath gives samples of sub-division, these townlands being in the highlands of Ballykelly.

The tenants now holding under these fee-farm grants, the substitutes for the old leases in the three instances given in this schedule, were, prior to 1714, 13 in number; they are now 68; but a reference to the tenement column of the Limavady Union in county Derry, pages 68, 69, 70, 71, 88, 89, and 91, will show that 68 does not represent all the present occupiers.

G.S.L.

## LIMAVADY ESTATE.—COUNTY DERRY.—continued.

## SCHEDULE.

Date of original Perpetuity Lease.	Number of Tenants to whom the original Perpetuity Leases were made.	Rent (about).	Number of Perpetuity Tenants at last Renewal.	Designations.	Observations.
1709 - - -	5	£ 15	15 in 1860	Ballynarrig.	See Tenant Valuations for present size of Farms, pages 58 to 71 and 85 to 91.
1715 - - -	5	5	15 in 1861	Hyson.	
1730 - - -	5	20 (Irish.)	38 in 1849	Downsroughed.	
TOTAL - - -	15	TOTAL - - -	68		

## SUB-DIVISION OF HOLDINGS under a PERPETUITY LEASE in the County Tyrone.

£. 35 7 s. 8 d., reserved by an old lease, is now paid by 14 perpetuity tenants, as follows:—

No.	1 pays	-	-	-	-	-	£.	s.	d.
2	"	-	-	-	-	-	1	1	9
3	"	-	-	-	-	-	1	12	8
4	"	-	-	-	-	-	-	12	-
5	"	-	-	-	-	-	1	-	8
6	"	-	-	-	-	-	3	5	4
7	"	-	-	-	-	-	2	18	2
8	"	-	-	-	-	-	2	3	6
9	"	-	-	-	-	-	2	18	2
10	"	-	-	-	-	-	2	3	7
11	"	-	-	-	-	-	1	15	-
12	"	-	-	-	-	-	1	15	-
13	"	-	-	-	-	-	1	1	9
14	"	-	-	-	-	-	-	-	-
TOTAL - - -							£.	22	7

The difficulty of collecting a perpetuity rent like this is very great. If a single one of the 14 does not come in with his rent, the other 13 have to go home with their money in their pockets, to return again the next rent day.

If proceedings become necessary, the difficulty in the way is very great.

## Appendix, No. 6.

PAPER handed in by Mr. Lynch.

## L.—EXPENSES of the LANDED ESTATES COURT for the following Years (exclusive of Judges' Salaries and Pensions):—

						£.	s.	d.
Year ending 31st March 1869	-	-	-	-	-	12,270	4	0
" " 1870	-	-	-	-	-	12,032	4	2
" " 1871	-	-	-	-	-	12,877	12	7
" " 1872	-	-	-	-	-	12,554	12	-
" " 1873	-	-	-	-	-	12,617	19	1
" " 1874	-	-	-	-	-	12,114	-	-
" " 1875	-	-	-	-	-	12,045	-	-
" " 1876	-	-	-	-	-	11,045	-	-
" " 1877	-	-	-	-	-	11,389	-	-

## II.—NUMBER of ABSOLUTE ORDERS for SALE for Ten Years ending 31st December 1876:—

2,329, being an average of 233 for each year.

## III.—NUMBER of PETITIONS, in Cases where OWNER is also PETITIONER, filed in the following Years:—

From 1st November 1867 to 31st October 1868	-	-	-	-	-	176
" " 1868 " " 1869	-	-	-	-	-	170
" " 1869 " " 1870	-	-	-	-	-	140
" " 1870 " " 1871	-	-	-	-	-	163
" " 1871 " " 1872	-	-	-	-	-	120
" " 1872 " " 1873	-	-	-	-	-	180
" " 1873 " " 1874	-	-	-	-	-	147
" " 1874 " " 1875	-	-	-	-	-	162
" " 1875 " " 1876	-	-	-	-	-	133
" " 1876 " " 1877	-	-	-	-	-	119

The above includes Petitions for Declarations of Title and Appointment of Trustees.

[Originally translated from the (Catholic and Apostolic) Religion of Ireland.]

[illegible]



V.—PROPORTIONS in which PETITIONS have been Presented in late Years by  
Owners and Incumbrancers.

Year ending 31st October	Owners.	Petitioners.	Year ending 31st October	Owners.	Petitioners.
1868 - -	$\frac{176}{437}$	$\frac{961}{437}$	1873 - -	$\frac{185}{393}$	$\frac{304}{393}$
1869 - -	$\frac{170}{372}$	$\frac{322}{372}$	1874 - -	$\frac{147}{383}$	$\frac{216}{383}$
1870 - -	$\frac{140}{373}$	$\frac{333}{373}$	1875 - -	$\frac{168}{399}$	$\frac{237}{399}$
1871 - -	$\frac{183}{453}$	$\frac{340}{453}$	1876 - -	$\frac{133}{344}$	$\frac{211}{344}$
1872 - -	$\frac{159}{380}$	$\frac{221}{380}$	1877 - -	$\frac{119}{320}$	$\frac{201}{320}$

VI.—AVERAGE Length of Time from Presenting a PETITION to a SALE :—

2½ Years.

## Appendix, No. 7.

PAPER handed in by Mr. Stock.

## LANDLORD AND TENANT (IRELAND) ACTS, 1870 AND 1872.

SCHEDULE giving Particulars of ADVANCES to TENANTS to enable them to Purchase their Holdings, from 1st of April 1877 to 31st of March 1878.

Date of Order to Issue.	Name of Donor.	Name of Vendor.	Area of Land.	Annual Rent.	Tenant's Valuation.	Amount of Purchase Money.	Amount of Donor's Advance.	Amount Contributed by Tenant.
			A. R. P.	£. s. d.	£. s. d.	£. s. d.	£.	£. s. d.
1877:								
16 April	P. Harvey	Sir R. Hobbs	30 0 4	30 - -	52 - -	1,108 - -	700	370 - -
23 "	M. Keating	ditto	30 1 30	30 - -	37 10 -	858 - -	550	300 - -
11 May	B. Grier	Earl of Goshford	36 3 18	35 1 4	54 - -	759 - -	480	249 - -
24 "	E. Lee	J. S. Turner	16 1 15	10 10 4	0 - -	246 - -	140	101 - -
25 "	B. Grier	Earl of Goshford	18 1 22	9 2 8	7 - -	367 - -	160	87 - -
15 June	Lala Fawcett	ditto	28 1 3	21 10 8	17 15 -	537 - -	305	182 - -
20 "	John Hood	J. Hood and others	510 1 31	604 1 3	308 3 -	2,810 - -	1,600	1,210 - -
20 "	P. Mullin	J. Cowles	15 1 28	5 8 -	0 - -	233 - -	123	77 - -
20 "	Rhea Corran	ditto	89 3 33	18 15 7	13 - -	289 - -	200	150 - -
20 "	B. Corran	ditto	12 2 14	3 10 -	7 3 -	232 - -	130	80 - -
20 "	J. Caldwell	ditto	55 1 19	58 11 7	36 15 -	581 - -	433	227 - -
20 "	John Ryan	H. M. Kelly	552 2 22	119 15 -	109 10 -	2,550 - -	1,300	984 - -
20 "	Wm. Thompson	W. C. Watson	40 1 7	30 - -	48 15 -	1,070 5 7	600	470 5 7
20 "	Wm. Corran	ditto	15 1 58	9 4 8	8 - -	235 3 4	120	70 3 4
20 "	James Wherry	ditto	12 0 5	8 12 10	9 - -	285 9 4	150	75 9 4
20 "	Wm. Monahan	ditto	70 4 10	30 - -	22 - -	540 5 11	436	339 5 11
20 "	J. McCracken	ditto	18 0 53	6 1 2	6 15 -	180 - -	106	72 - -
20 "	Wm. McNeill	ditto	19 3 30	14 18 9	11 10 -	350 14 0	218	139 14 0
20 "	John McNeill	ditto	46 0 51	24 5 6	24 5 -	310 5 3	240	210 5 3
20 "	E. McComb	ditto	5 0 32	5 3 -	4 5 -	127 12 2	80	47 12 2
20 "	J. McComb	ditto	1 3 27	2 - -	1 15 -	50 4 7	25	17 4 7
20 "	John Monahan	ditto	0 1 16	3 10 -	4 - -	90 10 2	59	30 10 2
20 "	S. Moore	ditto	1 1 34	4 10 -	3 - -	160 10 8	37	45 10 8
2 July	B. Monahan	ditto	62 3 15	12 - -	9 - -	295 8 4	171	114 8 4
2 "	Thomas Green	ditto	6 3 35	4 10 2	4 5 -	108 10 9	75	33 10 9
2 "	Patrick Magill	ditto	60 1 12	90 - -	29 - -	626 - 10	428	217 10 -
2 "	Francis Walker	ditto	500 0 30	51 3 2	33 3 -	1,200 16 11	900	454 16 11
2 "	John Adams	ditto	45 1 34	36 17 4	26 15 -	768 17 2	570	354 17 2
7 "	Thomas Harding	W. Leeder and others	55 1 0	39 7 10	11 5 -	455 - -	219	165 - -
12 "	James Shaw	W. C. Watson	7 2 14	3 15 -	0 10 -	127 17 5	111	55 17 5
12 "	Thomas Monahan	ditto	10 8 34	8 7 4	10 - -	397 7 4	175	85 7 4
12 "	Robert Milla	ditto	14 5 18	10 5 -	16 - -	221 15 0	109	127 15 0
12 "	John McAfee	ditto	3 3 3	3 2 0	4 5 -	155 8 10	59	35 8 10
12 "	James Monahan	ditto	40 1 56	31 10 2	23 12 -	433 3 11	470	363 3 11
12 "	ditto	ditto	20 1 37	15 4 6	13 5 -	341 14 0	227	184 14 0
12 "	Robert Robinson	ditto	29 5 7	13 16 9	11 10 -	310 16 6	207	233 16 6
12 "	James Monahan	ditto	4 3 14	7 11 0	7 - -	201 - 5	223	88 - 5
12 "	J. McCarthy	ditto	13 0 39	10 10 -	0 15 -	205 10 6	185	111 10 6
13 "	R. O'Connell	ditto	14 3 10	8 10 -	8 - -	240 5 5	132	85 5 5
14 "	J. McEntridge	ditto	17 1 18	17 7 9	15 15 -	450 1 7	330	159 1 7
14 "	John Devlin	ditto	50 0 36	45 - -	37 3 -	694 10 8	512	450 10 8
19 "	Thos. Toner	L. C. Rutwood	30 0 35	29 - -	18 - -	375 - -	205	124 - -
19 "	ditto	ditto	4 1 32	4 19 -	9 15 -	85 - -	58	30 - -
20 "	R. T. Power	M. Goodbody	114 0 4	98 5 -	154 10 4	2,440 - -	1,500	940 - -
20 "	J. Williamson	R. Watson	23 0 0	13 - -	15 - -	449 - -	240	156 - -
26 "	ditto	ditto	4 0 37	3 8 10	3 - -	84 - -	50	34 - -
27 "	John A. Ahern	Ras. J. Casasa	64 0 25	25 2 4	11 5 -	445 - -	189	304 - -
27 "	John Ahern (Michael).	ditto	78 3 6	30 1 8	14 5 -	545 - -	240	234 - -
30 "	John McEntee	R. Westons	3 5 33	1 10 6	1 10 -	50 - -	30	20 - -
30 "	Denis Mahony	W. T. Locke	58 2 38	74 - -	45 10 -	5,100 - -	830	1,600 - -
6 Aug.	P. O. Hargan	Julia Rae	54 5 5	50 - -	28 10 -	833 6 8	370	463 6 8
6 "	M. Hayes	S. Hamilton	35 8 30	30 - -	35 - -	804 - -	290	290 - -
6 "	Edw. Rogers	ditto	17 3 10	17 12 -	20 - -	476 4 -	318	159 4 -
6 "	J. W. Meher	ditto	31 8 28	26 15 -	20 10 -	500 - -	378	167 - -
6 "	W. W. Knight	ditto	5 0 12	4 15 0	6 - -	151 - -	87	44 - -
6 "	M. Hughes	ditto	5 1 8	4 17 -	7 - -	153 - -	87	44 - -
6 "	James Hagley	ditto	30 7 5	29 7 -	26 10 -	728 10 -	328	264 10 -
6 "	E. Borden	E. E. Evans	40 3 9	72 32 6	43 10 -	1,430 - -	812	618 - -

SELECT COMMITTEE ON IRISH LAND ACT, 1870.

341

Date of Order to Lease.	Name of Borrower.	Name of Vendor.	Area of Land.	Annual Rent.	Testament Valuation.	Amount of Purchase Money.	Amount of Board's Advances.	Amount Contributed by Tenant.
			A. R. P.	£. s. d.	£. s. d.	£. s. d.	£.	£. s. d.
1871:								
13 Aug.	John M. Healy -	R. Harding -	22 0 0	20 5 1	67 10 -	1,810 - -	332	337 - -
15 "	Thomas Harriman -	John Maguire -	110 0 20	28 17 -	58 10 -	1,800 - -	635	634 - -
16 "	Thomas Kelly -	R. Western -	9 0 34	5 10 -	5 2 6	141 5 -	34	47 0 -
18 "	May Fitzmaurice -	- ditto -	16 0 21	32 12 -	33 12 6	385 - -	106	225 - -
17 "	M. Fitzmaurice -	T. E. Turner -	222 0 30	255 - -	344 3 10	6,045 - -	3,045	3,069 - -
21 "	C. Donaghy -	W. Lavelle and others -	24 0 20	30 10 0	10 15 -	458 - -	364	131 - -
18 Sept.	W. McKelvey -	Rep. Chs. Body -	37 0 0	22 13 8	33 - -	700 - -	420	280 - -
1 Oct.	P. Murphy -	C. E. Atkins -	14 1 0	0 8 6	8 15 -	310 - -	340	70 - -
22 "	Robert Garrett -	Earl of Galloway -	19 1 9	12 3 7	0 10 -	564 - -	291	114 - -
24 "	John Moore -	- ditto -	2 1 30	3 2 6	5 10 -	78 - -	52	26 - -
25 "	W. Storey -	- ditto -	17 2 3	15 - -	10 - -	559 - -	390	158 - -
27 "	T. Macchett -	- ditto -	50 0 22	14 10 10	19 - -	380 - -	340	129 - -
28 "	John Liddy -	- ditto -	36 0 4	8 23 4	7 15 -	318 - -	244	78 - -
29 "	Thos. Johnson -	- ditto -	0 1 17	0 10 -	4 15 -	179 - -	05	32 - -
30 "	Henry Wilson -	- ditto -	34 0 20	21 0 0	15 10 -	586 - -	250	165 - -
3 Nov.	John O'Keefe -	Donoughs' Co. -	100 0 0	50 15 -	97 - -	685 - -	490	507 - -
3 "	Edward Mullin -	- ditto -	180 3 21	35 14 -	17 15 -	435 - -	390	365 - -
7 "	David O'Keefe -	- ditto -	77 0 0	37 5 -	18 - -	500 - -	330	270 - -
9 "	Patrick O'Keefe (Soldier) -	- ditto -	185 0 0	37 10 -	18 15 -	815 - -	300	275 - -
9 "	Patrick O'Keefe -	- ditto -	101 5 20	33 5 -	16 10 -	365 - -	250	120 - -
10 "	Charles Humphreys -	Earl of Galloway -	17 0 0	30 16 -	10 10 -	278 - -	181	91 - -
10 "	J. Elliott -	- ditto -	17 3 16	7 3 11	7 5 -	173 - -	116	40 - -
10 "	Thomas Brown -	- ditto -	24 1 14	13 15 0	11 15 -	314 - -	220	115 - -
10 "	George Leary -	- ditto -	83 2 01	10 11 10	8 - -	234 - -	176	86 - -
14 "	William Irwin -	Mrs. E. Tyrrell -	124 1 16	269 - -	213 - -	3,600 - -	2,100	1,500 - -
17 "	C. Wilson -	Earl of Galloway -	35 2 25	83 14 -	23 - -	802 - -	294	136 - -
18 "	P. J. Murphy -	G. S. Swete -	50 3 9	31 7 6	25 - -	750 5 -	500	200 5 -
20 "	John Cowley -	- ditto -	145 1 11	88 - -	00 5 -	1,035 - -	1,220	645 - -
20 "	J. Delaney -	- ditto -	44 0 32	30 10 -	34 10 -	710 - -	480	260 - -
1 Dec.	D. A. McFarlane -	C. McFarlane -	101 0 28	85 - -	64 30 -	9,120 10 -	1,480	789 10 -
1 "	James Lynch -	- ditto -	18 1 7	15 - -	12 - -	270 6 7	250	120 6 7
1 "	E. Gilchrist -	- ditto -	7 9 32	0 - -	5 10 -	300 10 7	100	50 10 7
1 "	Patrick Daly -	- ditto -	12 0 4	15 4 0	8 5 -	506 5 8	200	100 5 8
10 "	Thos. J. Hall -	G. A. Walsh -	24 0 5	24 10 8	28 10 -	70 - -	490	206 - -
10 "	R. Jones, Junr. -	- ditto -	13 0 34	13 10 -	13 10 -	372 - -	240	184 - -
10 "	Thomas Dooney -	- ditto -	10 0 14	10 - -	17 10 -	354 10 -	550	244 10 -
12 "	D. Mathers -	- ditto -	58 2 20	33 4 8	25 15 -	1,160 - -	500	660 - -
13 "	James Regearty -	J. E. Kirkwood -	81 0 1	60 - -	40 - -	1,340 - -	315	625 - -
13 "	C. Curran -	R. Westmore -	39 0 27	8 - -	17 6 0	250 - -	133	87 - -
13 "	M. Fitzmaurice -	- ditto -	18 0 3	8 - -	6 2 0	903 - -	103	87 - -
13 "	P. Cahill -	- ditto -	55 3 50	50 - -	22 0 -	685 - -	610	290 - -
1872:								
3 Jan.	D. Delaney -	Mary C. Reed -	30 0 18	20 10 4	90 16 -	820 - -	535	315 - -
8 "	James White -	- ditto -	0 0 22	5 - -	5 - -	104 - -	86	48 - -
10 "	John Kelly -	R. Westmore -	80 0 28	10 11 7	12 - -	500 - -	108	191 - -
20 "	Robert Amner -	Rev. S. H. Hayes, Jr. -	64 0 30	60 10 10	75 - -	1,800 - -	1,210	620 - -
20 "	Arthur Bennett -	- ditto -	65 2 10	50 - -	40 5 -	1,500 - -	606	503 - -
22 "	John Lacey -	- ditto -	24 0 34	51 - -	38 - -	1,500 - -	910	260 - -
22 "	Thomas Pagan -	Patrick Fallon -	255 1 13	260 - -	146 10 -	6,200 - -	4,000	4,200 - -
13 Feb.	James Murphy -	M. C. Reed -	13 0 0	4 - -	3 - -	170 - -	180	70 - -
13 "	James Macleary -	J. J. O'Mahony -	187 3 34	110 - -	68 - -	3,100 - -	1,600	1,500 - -
18 "	Patrick Lacey -	P. A. M. Moore -	37 2 28	20 14 2	81 15 -	525 - -	300	240 - -
25 "	D. McDonald -	- ditto -	50 0 30	35 - -	30 10 -	840 - -	500	290 - -
25 "	M. Hendri -	- ditto -	11 6 11	31 - -	0 10 -	284 - -	178	86 - -
25 "	James Leary -	- ditto -	50 0 30	35 - -	10 5 -	384 - -	250	128 - -
25 "	Neil Maginn -	- ditto -	40 0 4	41 - -	35 - -	584 - -	600	348 - -
25 "	Wm. Murphy -	- ditto -	24 1 39	14 - -	11 5 -	592 - -	224	122 - -
25 "	James Russell -	- ditto -	12 0 4	0 5 -	8 5 -	120 - -	100	48 - -
25 "	James Quinn -	- ditto -	17 0 34	13 10 -	10 15 -	580 - -	200	160 - -
25 "	John Hendri -	- ditto -	40 0 6	34 - -	28 5 -	810 - -	244	218 - -
25 "	Rev. John Dee -	W. Barker -	36 0 4	31 18 8	60 - -	1,500 - -	1,200	240 - -
7 Mar.	C. Donaghy -	P. A. M. Moore -	5 2 20	7 - -	5 5 -	398 - -	112	60 - -
7 "	T. Longueux -	- ditto -	9 8 18	8 10 -	8 15 -	250 - -	105	67 - -
7 "	John Cunningham -	- ditto -	8 2 20	7 - -	5 10 -	348 - -	112	50 - -
7 "	Edward Russell -	- ditto -	8 2 30	7 - -	5 10 -	108 - -	112	40 - -
7 "	James Higgins -	- ditto -	25 0 25	17 8 8	15 10 -	548 - -	300	180 - -
7 "	E. McKee -	- ditto -	20 1 34	10 - -	15 10 -	328 - -	302	170 - -
7 "	Matthew Farrell -	C. W. Coote -	320 0 25	300 17 6	261 - -	6,500 - -	4,000	5,100 - -
21 "	Peter Lacey -	P. A. M. Moore -	10 3 18	7 0 10	7 0 10	170 - -	110	47 - -
21 "	Peter Tully -	R. Westmore -	8 1 25	5 - -	4 10 -	150 - -	83	48 - -
		No. of Leases.						
TOTALS for Year 1872-73	- - -	117	6,454 3 25	4,479 - 11	3,854 11 -	108,320 11 11	58,844	41,879 11 11
GENERAL TOTAL to 31 March 1873	-	700	48,440 0 10	38,640 10 11	30,206 10 8	303,145 10 5	425,502	268,314 10 5

Office of Public Works, Dublin,  
20 April 1873.

R. S. Stock

## Appendix, No. 8.

PAPER handed in by Mr. M'Donnell.

RETURN showing the Number of Lots and TENANCIES on the ESTATES of the TENURES stated in the RETURN of the LANDED ESTATES COURT to the Order of the House of Lords, dated 27th June 1875, SOLD or EXPOSED for SALE during the Year 1875.

## PROVINCE OF ULSTER.

NAME OF ESTATE.	Number of Lots.	Number of Tenancies.	In Owners' Possession.	NAME OF ESTATE.	Number of Lots.	Number of Tenancies.	In Owners' Possession.
Ferguson - - -	3	13	Cottages and mills.	Creefield - - -	3	3	—
Wilson - - -	1	3	—	Magill - - -	1	10	—
Hughes - - -	3	100	Lots 1, 2, 3 (part of).	Elliot - - -	2	—	Lots 1, 2.
Trustees of Sweetman Church Commissioners (Armagh).	8	43	—	Lattimer - - -	3	10	—
Lehey - - -	3	15	—	Irwin - - -	1	1	—
O'Brien - - -	3	17	—	Saukey - - -	2	30	—
Harwood - - -	7	132	—	Stirling - - -	2	10	Lots 1, 2 (part of).
Langdale - - -	2	31	Lot 5 (part of).	Johnston - - -	3	10	—
Wood - - -	2	2	Lot 1, and part of Lot 2.	Caulfield - - -	6	20	—
Lane - - -	1	17	—	Bruce - - -	1	3	—
Earl of Wicklow -	15	54	—	Gower - - -	1	1	—
McCreight - - -	1	—	Lot 1.	Trustees of Campbell	1	1	Lot 1 (part of).
Scott - - -	1	13	—	Stuart - - -	4	43	Lot 4 (part of).
				Warwick - - -	1	4	—
				28	60	701	

## PROVINCE OF MUNSTER.

NAME OF ESTATE.	Number of Lots.	Number of Tenancies.	In Owners' Possession.	NAME OF ESTATE.	Number of Lots.	Number of Tenancies.	In Owners' Possession.
Odlin - - -	1	4	Lot 1 (part of).	Hyndman - - -	2	67	—
Flitgibbon - - -	1	1	—	W. Flitgibbon - -	11	49	—
Trustees of Mackey -	3	15	—	Ahernatty - - -	4	2	Lots 3, 4.
E. Flitgibbon - - -	1	1	—	Maher - - -	1	—	Lot 1.
Alloys - - -	5	10	—	Rowley - - -	11	43	Lots 5, 6, 7 (part of).
Wood - - -	8	10	—	Kirshan - - -	3	8	Lots 1, 2, 3 (part of).
Guggin - - -	1	7	—	Fawcett - - -	4	8	—
Harris - - -	1	5	—	Sedler - - -	11	31	—
Administrator of McSwiney.	1	1	—	Maguire - - -	3	5	Lot 1 (part of).
Peard - - -	2	3	—	Mansough - - -	3	20	Lot 3 (part of).
Twinnard - - -	3	5	—	Earl of Desart - -	3	18	Lot 1 (part of).
Geing - - -	6	7	—	Lobex - - -	2	10	—
Raymond - - -	1	19	—	Bousford - - -	1	1	Lot 1 (part of).
Grant - - -	1	1	Lot 1 (part of).				
Sullivan - - -	1	2	—	20	197	437	
Blackston - - -	6	7	—				
Administrator of Goring.	6	22	—				

## PROVINCE OF LEINSTER.

NAME or ESTATE.	Number of Lots.	Number of Tenancies.	In Owner's Possession.	NAME or ESTATE.	Number of Lots.	Number of Tenancies.	In Owner's Possession.
O'Kelly - - -	8	3	—	Donville - - -	20	31	—
Parcell - - -	16	48	—	Trustee of Carter - - -	2	3	—
Bartholomew - - -	4	25	—	Charleton - - -	1	1	—
Trustee of Hill - - -	1	6	Lot 1 (part of).	White - - -	1	13	—
Hamilton - - -	7	40	Lots 6, 7 (part of).	Stirling - - -	7	54	Lot 2 (part of).
Cassell - - -	2	4	—	Finlay - - -	10	31	—
Trustee of Quirk - - -	1	1	—	Hawkesworth - - -	3	5	—
Lord Anson - - -	1	5	—	Seiler - - -	1	5	—
Trustee of Moore - - -	3	15	—	Holton - - -	9	5	Lot 2.
Griffith - - -	4	21	Lot 1 (part of).	Walsh - - -	1	7	—
Stewart - - -	1	—	Lot 1.	Lord Kilmaine - - -	21	320	—
Trustee of O'Brien - - -	15	27	—	Carr - - -	1	2	Lot 1 (part of).
Rediff - - -	3	2	Lot 1.	Boyes - - -	1	11	—
Trustee of King - - -	3	11	Lot 1 (part of).	Alexander - - -	1	14	—
Roper - - -	3	5	—	Moses - - -	1	1	—
Baile - - -	3	5	—	Rochford - - -	1	1	—
Fox - - -	3	5	—	Garr - - -	1	1	—
Donnell - - -	1	1	—				
Trustee of Leslie - - -	20	45	—				
Daly - - -	1	1	—				
				37	109	686	

## PROVINCE OF CONNAUGHT.

NAME or ESTATE.	Number of Lots.	Number of Tenancies.	In Owner's Possession.	NAME or ESTATE.	Number of Lots.	Number of Tenancies.	In Owner's Possession.
J. Davies - - -	2	2	—	Belle - - -	2	14	Lot 2 (part of).
Dugan - - -	5	64	Lots 2, 7 (part of).	Taffs - - -	3	49	Lots 1 to 5 (part of).
Dene - - -	1	5	—	Corr - - -	1	—	Lot 1.
E. Davies - - -	2	17	—	Kergh - - -	5	15	—
Blackall - - -	24	50	Lot 2 (part of).	Hadden - - -	1	7	Lot 1 (part of).
Jones - - -	9	35	Lots 1, 2, 3, 5, and part of Lots 2, 4.	O'Brien - - -	1	11	—
French - - -	1	7	Lot 1 (part of).	Trustee of O'Grady - - -	1	1	—
Burby - - -	1	1	—	Omsly - - -	5	56	Lots 1, 2, 4, 5 (part of).
Orvey - - -	1	1	—	O'Connor - - -	1	1	—
Foran - - -	3	3	—				
Trustee of McDonnell - - -	1	24	Lot 1 (part of).				
Duffy - - -	3	24	Lots 1, 2, 3 (part of).				
				21	73	476	

## SUMMARY.

PROVINCE.	Number of Estates.	Number of Lots.	Number of Tenancies.
ULSTER - - - - -	28	93	761
MUNSTER - - - - -	36	107	427
LEINSTER - - - - -	37	109	686
CONNAUGHT - - - - -	91	73	476
TOTAL - - - - -	112	447	2360



## Appendix, No. 10.

PAPER handed in by Mr. Lynch, in continuation of Appendix, No. 8, to Report of July 1872.

## LANDED ESTATES COURT (IRELAND).

Appendix, No. 10.

RETURN I., of SALES to TENANTS in the Year ending 31 December 1876, in which Charging Orders were made subsequent to furnishing former Return for that Year; and RETURN II., of SALES to TENANTS for the Year ending 31 December 1877.

## ANALYSIS OF RETURN.

GROSS PURCHASE MONEY for Year ending 31 December 1877, in Cases of Sales to Tenants (including the Four Cases of Sales in 1876, Return No. 1), £. 130,238. 11. 8., viz.; in—

	£.	s.	d.	£.	s.	d.	Number of such Purchases in each Province.
Ulster - - -	20,451	11	-	-	-	-	24
Munster - - -	46,438	15	8	-	-	-	36
Leinster - - -	46,694	5	-	-	-	-	40
Connaught - - -	6,815	-	-	-	-	-	5
				130,238	11	8	105

## CLASSIFICATION as to Area of the Holdings sold to said Tenant Purchasers in said Year.

Under 10 acres - - -	-	-	-	-	-	-	14
10 acres and under 15 acres - - -	-	-	-	-	-	-	12
15 " " 20 " - - -	-	-	-	-	-	-	10
20 " " 30 " - - -	-	-	-	-	-	-	10
30 " " 50 " - - -	-	-	-	-	-	-	9
50 " " 100 " - - -	-	-	-	-	-	-	28
100 and upwards - - -	-	-	-	-	-	-	22
							105

S. J. Lynch, Registrar.

## Appendix, No. 11.

PAPERS handed in by the Right Honourable S. W. Fitzgerald, 27 May 1878.

## Appendix, No. 11.

## COSTS OF CONVEYANCE and REGISTRY in REGISTRY of DEEDS.

Purchase Money, £. 100.—Length of Deed, 15 folios.

	£.	s.	d.
* Attending lodging purchase-money, including order, and returning receipt to court	1	-	-
† Draft deed, copy for court, instructions, and all ordinary attendances	5	-	-
‡ Stamp duty	-	10	-
Solicitor's fee on memorial and registration	1	-	-
Registry of deeds fees (1 grantor, 1 denomination, and 15 folios)	-	12	-
Stamp duty on memorial	-	5	-
Requisition not to record	-	5	-
Attending court therewith	-	6	8
§ Printer's bill (about)	1	2	6
Map (paid)	-	10	-
¶ Attending purchaser, handing over deeds, &c.	-	6	8
	£.	10	17 10

## COSTS OF CONVEYANCE and RECORDING the Same.

	£.	s.	d.
* Attending lodging purchase-money, including order, and returning receipt to court	1	-	-
† Draft deed, copy for court, instructions, and all ordinary attendances	5	-	-
‡ Stamp duty	-	10	-
Parchment for duplicate conveyance	-	2	6
Stamp on same	-	5	-
Attendance of solicitor	-	10	-
Map on conveyance (paid)	-	10	-
Map on duplicate (paid)	-	10	-
Solicitor's fee on memorial and registration	1	10	-
Registry of deeds fees	-	8	-
Stamp on memorial	-	2	6
§ Printer's bill (about)	1	2	6
¶ Attending purchaser, handing over duplicate conveyance, &c.	-	6	8
	£.	11	17 2



## RICHARD JAMES MANNERGH, ST. GEORGE'S ESTATE, COUNTY GALWAY.

Number of Lot.	Number of Tenants on each Lot.	Quantity of Land, Statute Measure, in each Lot.			Net Yearly Rental of each Lot.	NAMES OF PURCHASERS.
		A.	R.	P.		
1	8	228	0	7	158 12 -	John Morris, not a tenant on this lot.
2	30	382	1	3	176 7 3	Thomas Higgins - ditto.
3	1	486	3	13	185 - -	Bought in by owner.
4	9	157	2	30	114 3 6	Robert Bonzeill, one of the tenants on this lot.
5	6	142	2	0	98 10 -	Patrick Hockett, not a tenant on this lot.
6	9	86	3	17	107 6 -	Martin F. O'Flaherty - ditto.
7	13	121	3	0	80 - -	Bought in by owner.
8	10	130	3	1	79 13 6	Martin Lyden, a tenant on this lot.
9	3	180	0	32	198 - -	W. Kyne - not a tenant.
10	2	57	1	37	78 6 -	John Morris - ditto.
11	1	119	0	31	178 15 -	
12	1	161	3	19	117 - -	W. Kyne - ditto.
13	1	119	0	37	70 - -	Martin F. O'Flaherty, ditto.
14	1	172	3	13	100 15 -	Joseph Petty, the tenant.
15	2	118	3	25	78 - -	Mr. McDonnell, not a tenant.
16	2	84	0	5	63 - -	Bought in by owner.
17	9	184	1	58	122 - -	
18	5	80	0	24	78 - -	W. Kyne - not a tenant.
19	10	108	1	30	81 11 -	M. F. O'Flaherty - ditto.
20	7	79	0	16	30 - -	- Reddington - ditto.
21	1	65	3	19	30 - -	J. Morris - ditto.
22	12	432	3	53	222 10 -	Bernard O'Flaherty ditto.
23	3	83	3	24	53 10 -	ditto.
24	5	117	3	22	74 - -	- Griffith - ditto.
25	4	101	3	3	62 - -	J. Morris - ditto.
26	3	210	0	20	97 3 10	Mrs. Murray - ditto.
27	5	140	3	26	114 5 -	Mr. McDonnell - ditto.
28	3	90	0	10	65 - -	John Morris - ditto.
29	1	90	1	34	75 - -	Mr. Golding - ditto.
30	1	55	1	33	62 - -	
31	2	252	1	19	126 - -	Mrs. Murray - ditto.
32	2	314	2	34	189 12 -	
33	1	141	3	38	139 10 6	Mr. M. Cullinan - ditto.
34	1	184	3	10	130 - -	M. F. O'Flaherty, the tenant.
35	1	338	0	15	245 14 6	
36	1	411	1	21	25 4 8	Thomas Higgins, not a tenant.
37	-	1,606	3	29	1,282 11 -	Bought in by the owner.
38	-	46	2	1	638 3 -	
		7,947	0	0		

## Appendix, No. 12.

PAPER handed in by the Right Honourable S. W. Fitzgerald.

Appendix, No. 12.

## DRAFT FORM OF CONVEYANCE FROM LANDED ESTATES COURT.

I STEPHEN WOLFE FLANAGAN one of the Judges of the Landed Estates Court Ireland under the authority of an Act passed in the Twenty-second Year of the Reign of Queen Victoria intituled "An Act to facilitate the Sale and Transfer of Land in Ireland" in consideration of the sum of Three Hundred and Ten Pounds by Alexander McFetridge of Mayoghill in the County of Londonderry Farmer paid into the Bank of Ireland to the account of the said Court and to the credit of the Estate of the MARQUIS OF WATERFORD and his Trustees Owners and Possessors and in consideration of the further sum of Six Hundred and Twenty Pounds by the Commissioners of Public Works in Ireland on behalf of the said Alexander McFetridge paid into the said Bank to the account and credit aforesaid and two sums making together the sum of Nine Hundred and Thirty Pounds for which the said Alexander McFetridge purchased the Hereditaments hereinafter granted do grant unto the said ALEXANDER MCFETRIDGE all that part of the Town and Lands of Mayoghill situate in the Barony of Coleraine and County of Londonderry containing Fifty-five Acres Three Roods and Eighteen Perches statute measure or thereabouts and described in the Map annexed hereto coloured Green with the appurtenances together with a right of way on foot and with horses cars cattle &c. along the Road lettered H T P<sup>a</sup> on said Map through another part of said Lands of Mayoghill and also along the Lane lettered M N on said Map through another part of said Lands of Mayoghill and also along the Road lettered D E T<sup>a</sup> on the uncoloured Map hereto annexed through other parts of said Lands of Mayoghill and also along the Road lettered E F on said uncoloured portion of said Map through other parts of said Lands of Mayoghill TO HOLD the same unto the said Alexander McFetridge his Heirs and Assigns FOR EVER subject to the tenancy of the said Alexander McFetridge of said Lands hereby granted as tenant from year to year at the yearly Rent of Thirty-five Pounds Ten Shillings payable half-yearly on every First day of May and First day of November and the year of whose tenancy is determinable on the First day of November in each year and also subject to the right of the public to use the County-road leading from Garraugh to and joining the County-road leading from Killea to Coleraine and also subject to a right of way for the Owner and Tenants for the time being of another part of the Lands of Mayoghill (being Lot 7 on the printed Rental for sale in the matter of said Estate) on foot and with horses cars cattle &c. along the Lanes or Roadways lettered respectively P<sup>a</sup> O Q<sup>a</sup> S<sup>a</sup> and A T P<sup>a</sup> on said Maps and also subject to a right of way for Hugh Peden James Torrens James Peden Robert Peden Samuel Torrens and Maria Kennedy Proprietors of other parts of said Lands of Mayoghill and the Owners and Proprietors thereof for the time being representing them on foot and with horses cars cattle &c. along the said Lanes or Roadways lettered respectively P<sup>a</sup> O and Q<sup>a</sup> S<sup>a</sup> on said Maps and also subject to a right of way for the said Hugh Peden and James Torrens respectively and the Tenants and Proprietors for the time being representing them on foot and with horses cars cattle &c. along the Lane lettered H T P<sup>a</sup> on said Maps and also subject to a right of way for the said James Torrens and the Tenant and Proprietor for the time being representing him on foot and with horses cars cattle &c. along the Road lettered S T on said Map and also subject to the rights of all parties as at present existing in the waters of any streams or watercourses flowing through or in connexion with the Lands hereby granted whether for mill purposes drainage the filling of flax-dams or mill-ponds watering cattle or for domestic uses and also subject to and charged with an annuity of Thirty-one Pounds in favour of the said Commissioners of Public Works in Ireland and their Successors for the term of Thirty-five years from the Twenty-third day of March One Thousand Eight Hundred and Seventy-four pursuant to the provisions of the "Landlord and Tenant (Ireland) Act 1870" and an Order of the said Court made in the matter of the said Estate and bearing date the Eleventh day of May one Thousand Eight Hundred and Seventy-four and payable as provided by the Forty-eighth Section of the said "Landlord and Tenant (Ireland) Act 1870" and subject in conjunction with certain other Hereditaments to an Annuity yearly Recharge of One Thousand Pounds per annum for the life of Sarah D. Elizabeth Countess of Shrewsbury created by the Will of Henry late Marquis of Waterford bearing date the Seventeenth day of August One Thousand Eight Hundred and Fifty-two and further renewed by an Indenture bearing date the Nineteenth day of January One Thousand Eight Hundred and Sixty made between the most Honourable and Reverend John De La Poer Marquis of Waterford of the first part the Right Honourable Henry John Chetwynd Earl of Shrewsbury and Talbot and the Right Honourable Sarah Elizabeth Countess of Shrewsbury and Talbot his wife of the second part and Denis Pucke Beaufort and the Honourable and Reverend George Gustavus

Gustavus Chetwynd Tallot of the third part and subject to all powers and remedies and terms of years if any for securing the said Annuity or yearly Rentcharge but with such benefit of indemnity against the said Annuity and all costs and expenses occasioned by the non payment thereof as is provided by a Deed of Covenant bearing date the Ninth day of December One Thousand Eight Hundred and Seventy-one made between the Most Honourable John Henry De La Poer Berkeley of Waterford of the first part John Leslie and the Honourable Edward Kesyon of the second part and Edward Roberts of the third part IN WITNESS whereof I the said STEPHEN WOLFE FLANAGAN have hereunto set my Hand and the Seal of the said Court this \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord One Thousand Eight Hundred and Seventy-four.

Appendix, No. 12.

Signed and Sealed in the }  
presence of }

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I certify that the above-mentioned sum of Nine Hundred and Thirty Pounds was paid into the Bank of Ireland, to the account and credit above mentioned, as follows, viz. :— One Hundred and Ten Pounds by the said Alexander M'Fetridge on the Third day of June, One Thousand Eight Hundred and Seventy-three; the further sum of Two Hundred Pounds by the said Alexander M'Fetridge on the Fourth day of March, One Thousand Eight Hundred and Seventy-four; and Six Hundred and Twenty Pounds by the Commissioners of Public Works in Ireland on the Twenty-third day of March, One Thousand Eight Hundred and Seventy-four, being an advance made by them pursuant to the provisions of the "Landlord and Tenant (Ireland) Act, 1870."

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## A.

**ABSENTEE LANDLORDS.** Reference to the system of absenteeism as one of several reasons for the creation of class of tenant-owners, *O'Hagan* 1500—Expediency of better facilities for purchase of their holdings by tenants in the case of absentee landlords, *Urish* 2895, 2896.

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*Advances by the State (Purchase-money).* See *Loans to Tenants*.

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Greatly improved cultivation in Ireland since the time of the famine, *Sir F. Haygate* 931, 1104, 1105—Ill success of farms, even when connected with ownership, unless they are up to twenty or thirty acres, *ib.* 1159, 1160—Objection to a large increase of owners of smaller farms than could be profitably worked with a pair of horses and with the labour of the family, *ib.* 1235, 1256, 1273-1277.

Doubt as to any evil results in the shape of bad cultivation through an increase of tenant-owners in Galway without capital at their command, *Sir W. R. Gregory* 1005-1007, 1010-1012—Prospect of the employment or hiring of machinery by small owners, *Dallas* 2631-2637.

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Room for great improvement in the mode of cultivation of the smaller farms, *Baldwin* 4244, 4245—Much greater waste on large farms than on small ones, *ib.* 4326-4328—Considerable improvement in cultivation on the part of middle-class farmers in Ireland, owing to the compulsion clauses of the Land Act, *ib.* 4379-4389.

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**ALIENATION:**

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Approval of a power of alienation in the tenant, provided one-half of the purchase-money has been paid off, or that there is a balance of 100 L in favour of the State, *McDonnell* 1437-1449, 1445-1447—Considerable dissatisfaction of tenants with the restriction upon mortgages and upon alienation; deterrent effect upon intending purchasers,

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*Armagh (Vicars Chival).* Particulars relative to the sale of the estate of the vicars chival of Armagh, and the prices realised by the residue; inaccuracy of a statement by Mr. Delah that some of the lands realised only eighteen years' purchase, *O'Brien* 550-552, 727-733.

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*Assignment of Holdings.* Permission given to tenant-purchasers to assign their holdings under certain conditions, *Stack* 1918, 1919.

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Particulars as to the steps taken by witness in order to arrive at a valuation of the glebe lands; due reference had to the rent paid, the character of the soil, &c., *O'Brien* 4446-4451. 4505-4511—Valuation and price arrived at by the Commissioners, irrespective of the tenants; frequent remonstrances on the part of the latter, though the prices fixed by the Commissioners were with very few exceptions adhered to, *ib.* 4451-4456.

Great variation in the prices realised by different properties; distinction necessary in the case of lands held under leases renewable for ever, *O'Brien* 4480-4486. 4492-4494. 4508—The general price was somewhat over twenty-two years' purchase of the rent,

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## 3. Prices realised—continued.

*O'Brien* 4481.—Information in connection with certain cases in which the prices obtained for glebe lands has been exceedingly high as compared with the Government valuation, *ib.* 4492-4504. 4536-4540.—Further reference to witness' valuation as not having included improvements in the shape of buildings or drainage, *ib.* 4550-4553.

## 4. Re-sales by Tenant-purchasers:

Calculation that about 800 holdings have been really bought by landlords through the tenants, *nommolly*, *O'Brien* 330-334.—Explanation of the data upon which witness estimates at about 800 the number of cases in which tenants with the right of pre-emption have not remained the owners, *ib.* 612-619.

Numerous re-sales by Church tenants who have purchased, there being no creation of tenant proprietors in such cases, *ib.* 1390-1394. 1407. 1466.—Statement as to the numerous sales of Church lands to tenants at prices enabling them to re-sell at a profit, *ib.* 1578-1595. 1601-1608. 1637. 1645. 1646.

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## 5. Terms of Purchase by Tenants; Practice as to Payment of Instalments:

Rule of requiring payment in full where the purchase-money is under 50*l.*, *O'Brien* 404.—Punctual repayment of the advances made to the tenants, *ib.* 558.—Payment of the instalments by the tenants through the Bank of Ireland, a receivable order being sent for each instalment, fixing the date of payment, *ib.* 634-636.—Less burden of the instalments in many cases than of the former rents, so that the tenants are well satisfied, *ib.* 640, 641.

Apprehended failure of many of the smaller Church tenants to pay the instalments of purchase-money; evil consequences likely to ensue if evictions be resorted to, *Olpherts* 3540-3544. 3557.—Purchase of his farm by one of witness' fellow tenants, who was, however, obliged to sell through difficulties; large increase of price obtained, *Dwyer* 3744-3757. 3758. 3909. 3931. 3954-3960.

Belief that the smaller holdings would have been purchased much more freely, but for the rule that in sales under 100*l.* only half would be advanced by way of mortgage, and that under 50*l.* there would be no advance, *O'Brien* 4434-4438.—Less facilities in the way of advances to the public than to tenants as purchasers; smaller amount advanced in the former case, *ib.* 4487-4489.

Particulars of purchase-money, costs, &c. of Church lands, sold in the counties of Tyrone, Kilkenny, Waterford, and Cavan, *App.* 330-334.—Information as to the cash paid down in each case, and as to the sources whence the money was obtained, *ib.*

## 6. Costs:

Misconception of the tenants as to the legal expenses, the costs much exceeding what they had expected them to be, *O'Brien* 310-312.—Increased costs to tenant purchasers since deterred from employing the Commissioners' solicitor; considerable saving and benefit to the commission since the change made in this respect, *ib.* 435-441.—Nominal charge at which the conveyance might be made to tenant purchasers, the work being done by the official solicitor, *ib.* 442-444.

## 7. Rents paid for Church Lands:

High rents paid for the glebe lands as compared with the rents demanded by large proprietors, *O'Brien* 299, 300.

Result of witness' experience, chiefly in Cavan, that the glebe lands, as a whole, are more tenanted, and more highly rented, than most of the adjacent properties; cause of the inferior condition of the former, *Vernon* 3961-3971. 3978-3980. 4001-4003.

Opinion that the Church lands were underlet, and that the tenants were better off than other tenants, *Baldwin* 4227-4231.

Explanation relative to some Church lands in the See of Limerick, referred to by Professor Baldwin as underlet, *O'Brien* 4412-4415.—Dissent from Professor Baldwin's statement as to the Church tenants having been in an exceptionally good position for purchasing, *ib.* 4525, 4536.

## 8. Information and Facilities given to Tenant-purchasers:

Very full encouragement and facilities given to tenants under the Church Act to become purchasers of their holdings, *Vernon* 19-21. 24.

Particulars as to the steps taken by witness on behalf of the Commissioners in visiting the holdings, and in explaining to the tenants the facilities of purchase under the Church Act; circulars also issued by the Commissioners in explanation, *O'Brien* 306, 309, 310.—Considerable difficulty of the tenants in understanding the terms and conditions of purchase, *ib.* 308-310.

Further

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8. *Information and Facilities given to Tenant-purchasers—continued.*

Further statement, showing the steps taken by witness, on visiting the tenants, to explain matters to them, whilst the commission issued memoranda and forms of instruction, and gave every facility to tenants desirous of purchasing, *O'Brien* 665-674.

9. *Improvements by Church Tenants :*

Considerable outlay by the tenant purchasers of Church lands in improvements, those who bought being very well satisfied with their purchases, *O'Brien* 391-401. 499-501. 504. 4583. 4524.

Reluctance of Church tenants to spend any money on improvements through fear of their rents being raised upon a change of vicars; instance of rents having been doubled forty-five years ago, *Degen* 3732. 3739. 3815-3831.—Poverty of small Church tenants as a class; prejudicial effect of the uncertainty of good landlords, *ib.* 3943-3944.

10. *Results in the case of Purchases by Tenants :*

Result of witnesses' visits to various properties sold in different counties, that he finds the new owners exceedingly well satisfied with their purchases, and in a more happy and thriving condition than when they were tenants, *O'Brien* 495-503.

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Insufficient experience to be derived as yet from the sales of Church lands, *Sir F. Heygate* 838, 839.—Grounds for the conclusion that tenants in the North who have purchased their holdings under the Church Act, have not shown any greater tendency than other tenants to effect improvements in the way of buildings, drainage, &c.; exceptional character of a case cited by Mr. O'Brien on this point, *ib.* 910-923.—Grounds for concluding that the sales to tenants under the Church Act do not afford sufficient test of the principle of State advances to small tenants, *ib.* 1216-1231.—Dissatisfaction of the Church tenants near witness with their purchases; necessity of their borrowing money at ten per cent. discount, *Olpherts* 3528, 3529. 3560.

Purchase by witness in 1874 of a farm of fifty-three acres, which he accepted under the Church Commissioners at a yearly rent of 30 l. 18 s.; he had saved some money as a road contractor, and gave 680 l. for the farm, *Degen* 3709-3722. 3758. 3824. 3837-3846.—Important improvements carried out by witness on the farm subsequently to the Church Act in the knowledge that he would have an opportunity of purchasing; great addition to its value since his first occupation of it, *ib.* 3723-3732. 3877-3884. 3914-3918.

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11. *Duties Discharged by the Church Commission :*

Most of the work of the Church Commission is done by the subordinate officers, *Truill* 4930.

Varied character of the duties performed by the Commissioners, *Right Hon. S. W. Flanagan* 5365.

<i>See also Armoagh (Vicar's Glebe).</i>	<i>Clonallan Glebe.</i>	<i>Improvements.</i>	<i>Killybegs</i>
<i>Glebe.</i>	<i>Manal Lands.</i>	<i>Raymondsney Glebe.</i>	<i>Residue Lands, 1.</i>
<i>Tyrone.</i>	<i>Ulster.</i>		

*Climate.* Very unfavourable climate of Ireland as compared with that of Belgium and other countries for the growth of grain and other crops, *Sir F. Heygate* 844-846; *Bence Jones* 3147. 3154. 3162. 3168-3169.

*Clonallan Glebe.* Sundry details relative to the sale of Clonallan Glebe, near Newry, consisting of 250 acres, and purchased by twenty-one tenants, this fairly representing the average property sold by the Church Commissioners; purchase-money paid by different tenants, way in which obtained, and exceedingly satisfactory results, *O'Brien* 452-494.—Considerable outlay by several of the Clonallan tenant-purchasers in building and other improvements; incentive thereto through the security of ownership, *ib.* 471, *et seq.*—Doubt as to any of the tenants' money for the purchase of the Clonallan Glebe having come from America, *ib.* 753-757.

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*Clonleigh Glebe.* Quarrel between the tenant purchasers of Clonleigh Glebe in respect of rights of way, &c., *O'Brien* 4565, 4566.

*Commission (Purchase and Re-Sale to Tenants).* See *Purchase of Estates, and Re-Sale to Tenants.*

*Competition.* Undue competition between peasant owners, as in Belgium and France, *Becke Jones* 3050, 3110-3112, 3197—Entire inability of the small farmer, without capital, to compete with the large farmer, *ib.* 3062-3066.

*Condition of the People.* Immense improvement which has been going on in Ireland since the time of the famine, *Sir F. Heygate* 931, 1104, 1106.

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*Connaught.* Witness testifies to the great desire of tenants in Connaught to purchase their holdings, and to their ability to do so if aided by an advance of three-fourths or four-fifths of the purchase-money, *Harris* 4993-4997, 5018-5022, 5032-5034.

*Connolly Estate (Cavan).* Particulars relative to the sale of Mr. Connolly's estate, in the county of Cavan; difficulty in this case on account of a Government charge for arterial drainage, *Rev. Hon. S. W. Flanagan* 5068-5070.

*Consolidation of Holdings.* Tendency to consolidation of farms rather than to subdivision, *O'Brien* 792-794—Probable tendency to consolidation if a system of peasant proprietors should be tried and be found wanting, *Sir F. Heygate* 1134, 1135; *Becke Jones* 3174, 3175—Better pecuniary results in the case of large farming than of small farming; there is not, however, any active consolidation going on, *Becke Jones* 3162-3165.

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*Conveyance to Tenants (Landed Estates Court).* Complicated and costly form of the conveyances in the Landed Estates Court, such form being altogether unsuited to the case of small tenants; simplification suggested, *O'Brien* 441-447, 505, 506.

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## COSTS:

1. Amount of Costs in Sales under the Land Act; deterrent Effect thereof.
2. Suggestions for a Reduction of Costs.

## 1. Amount of Costs in Sales under the Land Act; deterrent Effect thereof:

Ignorance of tenants, and fear of law expenses, which partly accounts for the comparatively few sales under the Land Act, *Vernon* 38, 39—Much heavier costs when church property is sold in the Landed Estates Court than when sold directly; particulars on this point, *O'Brien* 407, 427-432—Exception taken especially to the charge of 5*l.* for "instructions," *ib.* 684, 748—Feeling of tenants, in view of the heavy costs, that there is one law for the rich and another for the poor, *ib.* 688, 689—Deterrent effect of the law expenses upon intending purchasers, *McDonnell* 1534, 1535.

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## 2. Suggestions



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## 2. Suggestions for a Reduction of Costs:

Proposals with a view to a large reduction in the costs for deeds, &c., *O'Brien* 433-435, 440-444.—Further details on the subject of costs in the purchase of holdings under the present system; expediency of large reductions, witness submitting that in a particular case where the costs were 13*l.* 4*s.* 5*d.* they might be reduced, without loss to the State, to about 2*l.*, *ib.* 683-687, 750-766.—Means of the State for reducing the costs, though this is not an easy matter, *McDonnell* 1526-1529.

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Further evidence as to the importance of largely reducing the expense of sales in the Landed Estates Court; particular reductions which might be effected, as in the fees to solicitors and counsel, *Ullis* 2017-2035, 3001, 3002.—Necessity of simplifying the procedure and lightening the costs in order to facilitate purchases by tenants, *Brace Jones* 3022-3027, 3209-3213; *Trill* 4594-4597, 4710, 4711.

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*Cottages (Agricultural Population)*. Miserable condition of some cottages sold by the Irish Church Commissioners; small sum realised, *O'Brien* 317, 318.—Comment upon the system of yearly tenancies as accounting for the wretched housing of the peasantry; great improvement expected if the tenants became owners, *ib.* 719, 784, 783, 797.

Amendment suggested in the system of public loans for the erection of farmhouses and labourers' cottages; great improvement feasible in this direction, *Sir F. Higgate* 931, 938.—Grounds for approving of an amended system of State loans to landlords and tenants for improved cottages for labourers and for disapproving at the same time of State loans for the purchase by tenants of their holdings, *ib.* 1242-1255.—Ample security for the loans for labourers' cottages, so that collision with the State is never likely to ensue through any failure to pay the instalments, *ib.* 1288-1299.

Suggestion that holders of from one to five acres be encouraged to purchase, as a means of facilitating the erection of cottages by themselves as part of the labouring population, *Dillon* 2638-2645, 2741-2744.

## D.

*Dairy Farming*. Large spread of dairy farming in the south of Ireland with considerable success, *Brace Jones* 3037, 3177-3179.

*Dillon, Major Gustavus*. (Analysis of his Evidence).—Experience of Witness as land agent for the Marquis of Headfort in Caran and Meath; he also superintends Lady Ligar's property in Caran, 2560-2565.—Considerable extent of Lord Headfort's property in each county, that in Caran being 8,000 or 9,000 acres, and being subject to tenant-right, 2563-2565.

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Large size of the holdings on Lord Headfort's Meath estate; there is no tenant-right on this property, 2579-2581. 2678-2680.—Much less thriving condition of the smaller tenants in Meath than in Cavan, owing to the absence of that inducement to improve the land and develop its resources which applies so forcibly under the custom of tenant-right, 2582-2588.

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Giant advantage by "striking" the properties, where they have been much sub-divided, 2656-2663.—Duty of the commission proposed by Mr. Vernon to buy each estate as cheaply as it could, after an understanding with the tenants as to the price they would give, 2664-2667. 2676, 2677.—Willingness of tenants generally to buy, if assisted by the State with three-fourths of the purchase-money, 2668-2673.—Probability of owners preferring to sell through the proposed Commission instead of through the Landed Estates Court; doubt, however, as to many landlords being induced to sell by the mere appointment of the Commission, 2674-2677. 2694-2695. 2702. 2762-2767.

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Reluctance of Church tenants to spend any money on improvements, through fear of their rents being raised upon a change of vicars; instance of rents having been doubled forty-five years ago, 3732-3739. 3815-3821.—Inability of witness' fellow tenants to purchase; difficulty in borrowing the money, 3740-3743. 3798-3804. 3847-3858. 3946-3949.—Purchase of his farm by one of witness' fellow tenants, who was, however, obliged to re-sell, through difficulties; large increase of price obtained, 3744-3757. 3759. 3930, 3931. 3951-3960.

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*Detached Holdings.* Tendency among farmers to arrange their farms in the most convenient manner for themselves, detached plots not being necessarily inconvenient, *O'Brien* 595.—Approval of a tenant buying detached plots, *Sir W. E. Gregory* 2069.—Advantage in some cases to landlords if they could sell detached holdings to the occupier without much law expense, *Greene* 3400-3402.

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*Dillon Estate.* The Dillon estate is one of the best managed in Ireland, whereas the farmers are not, as a rule, in possession of much money, *Baldwin* 4159-4161.

*Donagel.* Reluctance of witness to give evidence upon the question of harsh proceedings by landlords in his county; reference especially to the treatment of Mr. Adair's tenants, *Opherte* 3649-3649. 3651, 3652.—Very little land for sale in witness' part of the county, whilst there is a ready demand for tenant-right, *ib.* 3671-3680. 3706.

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*Drainage.* Approval of the Commission (as proposed by witness) undertaking arterial drainage and other important works, *Baldwin* 4375.

*Duffy, Sir Charles Gavan.* Promotion of a company some years ago by Mr. (now Sir) Charles Gavan Duffy for the establishment of a peasant proprietary in Ireland; failure of this scheme, as some of its supporters sought to benefit themselves and not the tenants, *O'Hagan* 2555, 2558.

## E.

*EASEMENTS (RIGHTS OF WAY, &c.):*

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*Gregory, The Right Honourable Sir William Henry.* (Analysis of his Evidence).—Considerable experience of witness as a landowner in Galway; he has for many years taken a strong interest in the subject before the Committee, 1920-1924.—Sale by witness of a good deal of land in the Encumbered Estates Court in 1857, when he induced some of his tenants to purchase, 1935-1937.—Exceedingly satisfactory results in the case of the tenant purchasers; decided objection of these to subdivide their holdings, 1926-1932.

Grounds for the conclusion that tenant purchasers generally are strongly opposed to subdivision; practice instead of charging the land with portions for the younger children, or of giving them ready money, 1932-1937. 1951-1954. 1958-2001. 2052-2055.—Limited extent to which there is any consolidation of small holdings in Galway, 1938.—Objection to subdivision being allowed during repayment of Government advances, 1939-1941.

Advocacy of State loans to tenant purchasers as being a most Conservative policy, and as greatly required in Ireland in the interests of law and order, 1942. 1948. 1949. 2013-2018. 2070-2073.—Special importance of facilities to tenants to purchase when there is a change of ownership, 1943-1947.—Prejudice to the tenants under the new class of landlords who have purchased in the Landed Estates Court, 1944-1945.

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Evidence to the effect that it is not desirable to encourage the purchase of very small holdings, or of holdings where the rent is only 10 l. or 12 l. a year, 1959-1987. 2032-2035.—Expediency of the State advancing two-thirds or three-fourths of the purchase-money, even though many tenants are now very prosperous, and would not require so much assistance, 1988-1997.—Expediency of so arranging such estates for sale, that no prejudice shall accrue to the landlord in respect of the residue, 2002-2004.

Doubt as to any evil results in the shape of bad cultivation through an increase of tenant owners in Galway without capital at their command, 2005-2007. 2010-2012.—Belief that there is less trouble and formality in dealing with the Church Commissioners than with the Landed Estates Court, 2009.—Check to sub-division inasmuch as there is now a much higher standard of living than in former times, 2017-2019.

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Further statement as to its being the usual practice for Irish farmers to charge their land with portions for their children rather than to sub-divide, 2053-2058.—Approval of a tenant buying detached plots, 2059.—Great difficulty in applying a limit as to the acreage or serial below which tenants should not be aided by the State; probability of the smaller holdings being bought up by the larger tenants, 2074-2077. 2087-2089.—Doubt as to the expediency of encouraging labourers in the purchase of small holdings, 2078-2086.

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*Harris, Matthew.* (Analysis of his Evidence).—Is Secretary to the Ballinasloe Tenants' Defence Association; is also a contractor, and a farmer, and has had ample opportunities of knowing the feeling of tenants upon the subject of the Land Act, 4954-4992.—Testifies to the great desire of tenants in Connought to purchase their holdings, and to their ability to do so if aided by an advance of three-fourths or four-fifths of the purchase money, 4993-4997. 5018-5022. 5032-5034.

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5011. 5016, 5017—Necessity of simplifying and cheapening the sale of land, 5012, 5013—Way in which fluxy of tenure would operate in improving the class of occupiers, 5013—Increased sales by owners to tenants if the process were simplified, 5014-5016—Strong objection to land jobbers as landlords, 5020.

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*Headfort Estate.* Considerable extent of Lord Headfort's property in the counties of Cavan and Meath, that in Cavan being 8,000 or 9,000 acres, and being subject to tenant-right, *Dalles* 2563-2565—Full permission given to the tenants on the Cavan property to sell the tenant-right to respectable purchasers, subject to a fair rent, *ib.* 2566-2569—Re-valuation whenever a farm changes hands, or the tenant dies, there being usually an increase of about 10 per cent. in the rent, *ib.* 2568, 2571.

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*Henderson, W. D.* (Analysis of his Evidence.)—Is a Merchant at Belfast, and is Vice-President of the Austrian Tenant-right League; has taken great interest in the subject before the Committee, 2090-2094—Opinion that equal facilities should be given to small as to large tenants to purchase their holdings, 2095-2097—Great anxiety evinced in the County of Antrim to purchase the tenant-right of farms; high price frequently given, 2097-2105, 2112-2117, 2164-2169.

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[Second Examination].—Explanation that witness had no prejudice against the scheme of the Land Act for aiding tenant purchasers, though he would regret any very large increase of minute owners, 940-942.—Statement as to there being no political interest involved in the question at issue, 943.—Importance of a much greater variety of interests than now exists, 944.

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Opportunity of small tenants to obtain employment, so as the better to enable them to continue in their holdings, 1017.—Difficulty as to the performance of local social duties if the larger owners and their agents were superseded by small proprietors, 1018, 1019, 1028-1030.—Explanation that witness does not anticipate any attempt at repudiation on the part of borrowing tenants, but apprehends inability to pay and consequent mischief as a result of bad harvests, 1020-1023.—Further reference to the famine losses and other loans in Ireland, and the extent to which remitted, 1024-1026.

Considerable expense entailed upon small proprietors in having to contest rights of way, &c., 1031, 1032.—Approval of cheapening the transfer of land, provided proper precautions are taken to secure a satisfactory title, 1033-1036.—Grounds for the conclusion as to the very small number of people of the middle class in Ireland, 1037-1041.

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Removal, to a great extent, of witness' objection to Mr. Vernon's scheme if it were not applied to farms of less annual value than 25 l. or 30 l.; 1091-1093.—Difficulty as to Government enforcing payment in bad seasons, although a sufficient margin of security might have been taken, 1094-1096. 1115, 1116.—Main objection to Mr. Vernon's scheme, that it would eventually lead to extensive and mischievous sub-division, 1097-1100, 1106, 1107.

Great improvement in cultivation, and in the condition of the people, since the time of the famine, 1101-1103.—Undue sub-division and undue cultivation of the potato before the famine, 1104, 1105.—Mistake in leading the people to look to Government for help, instead of leaving them to natural laws and to self-reliance, 1109-1112.—Insufficient time for a fair trial of the experiment of public advances to tenants; extended experience and careful inquiry necessary before further advances on a greatly enlarged scale, 1113-1115, 1140, 1216-1221.

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Examination to the effect that in European countries generally recent legislation has favoured the creation of small owners, 1161-1183.—Twofold quantity of land held in Belgium by tenants as compared with the quantity held by owners, 1165-1169.—Ownership of about one-third of the land in France by small proprietors, 1170-1174.—Circumstance of the Bavarian Government having advanced money to small tenants to become purchasers, 1187-1190.

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## I.

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*Insurance (Tenant-purchasers).* Proposal that the purchasing tenant should have the option of paying the Treasury Sinking Fund at one-and-a-half per cent. to the Postmaster General by way of life insurance; facility thereby of providing for the family, and of keeping the holding free from incumbrances, *Henderson* 2118-2131.

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*Kelly, Dennis (the late).* Sale on one lot of the estate of the late Mr. Dennis Kelly, of Lismore; probable purchase by many of the tenants if opportunity had been given them, *Trails* 2862, 2907-2916.

*Kilkenny County.* Particulars in connection with a property sold by the Commissioners in the county of Kilkenny, and the purchases by tenants thereon in 1871 and 1872; amount paid in respect of each holding, cost of the deeds, and way in which the money was raised, *O'Brien* 358-371; *App.* 328—Very wretched character formerly of the foregoing property; marked improvement thereon, and thriving condition of the tenants since they have purchased their holdings, *O'Brien* 362, 373-385.

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**Lands Clauses Consolidation Act.** Advantage of applying to Part 2 of the Act of 1840, certain facilities in operation under the Lands Clauses Consolidated Act, *Urban* 1865-1868.

**LEASES (PERPETUITIES, AND FEE-FARM RENTS):**

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**LOANS TO TENANTS:**

1. *Powers and Practice of the Board of Works as to Loans of Public Money to Tenant Purchasers under the Land Act.*
2. *Limited Operation of the Bright Clauses of the Act under the System of advancing Two-thirds of the Purchase Money.*
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## LOANS TO TENANTS—continued.

## 1. Powers and Practice of the Board of Works as to Loans of Public Money to Tenant Purchasers under the Land Act.

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## 2. Limited Operation of the Bright Clauses of the Act under the System of advancing Two-thirds of the Purchase-money.

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## 3. Question of increasing the Advance from Two-thirds to Three-fourths or Four-fifths; Conclusion of the Committee favourable to an Advance of Four-fifths.

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## 5. Annual Charge represented by the Instalments to be Repaid—continued.

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## M.

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*Mensal Lands.* Unsatisfactory management by the Church Commissioners in the case of mensal lands, formerly in the hands of the clergy themselves, *Trail* 4618-4628, 4631-4633, 4642-4645.

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*Middle Class.* Particular absence of a middle class in Ireland, as compared with England; injurious effects thereof, *Sir F. Heygate*, 828, 899—Importance of a much greater variety of interests than now exists, *ib.* 944—Grounds for the conclusion as to the very small number of people of the middle class in Ireland, *ib.* 1037-1041.

*Middlemen.* Belief that at the time of the famine there were hardly any middlemen in the north of Ireland, though they doubtless exist in many other districts, *Sir F. Heygate* 937-939.

*Mortgages.* Regard had by witness to the interests primarily of the encumbrancers where an estate is encumbered up to its value, *Mr. Donnell* 1503.

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*O'Hagan, John, Q.C. (Analysis of his Evidence).—Was for six years Chairman of Quarter Sessions of the county of Clare; was previously Chairman for eight years in Westmeath and Leitrim, 2312-2314.—Submits reasons in favour of the appointment of a Commission for the purpose of dealing with the question of land in Ireland; proposal that this Commission should have power to facilitate arrangements between landlords and tenants by which the tenancies would be converted into perpetuities, 2315-2318. 2337-2363. 2379-2385. 2378. 2379. 2410. 2426. 2463-2473. 2515. 2516.*

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*Peasant Proprietors*. See *Small Proprietors*.

*Peasants' Leases*. Opinion that territorial conquest in Ireland completely prevented the conversion of copyhold tenements into permanent holdings; evil effect of the peasant law which precluded the great majority of the Irish people from obtaining any rights in the soil, *O'Hagan* 2320-2322, 2479-2481.

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*Political Effect (Sales to Tenants)*. Statement as to there being no political interest involved in the question at issue; that is, the creation of a class of tenant-owners, *Sir F. Heggate* 943.—See also *Small Proprietors*, 2.

*Potato Cultivation*. Great and mischievous increase in the cultivation of the potato if there were a large creation of peasant proprietors, by means of borrowed money, *Sir F. Heggate* 877, 878, 1022, 1023.—Opinion that the potato blight is not in any way attributable to the prevalence of small holdings, *Right Hon. & W. Flanagan* 5458-5460.

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*Price of Land.* Explanations in detail relative to the prices realised by Church lands; denial that they have been sold at an unduly low figure, *O'Brien* 342-357. 575, 588, 589 & seq. 4512-4522. 4336-4540—Increased prices in the Landed Estates Court if land were sold to tenants under the same conditions as the Church Commissioners sell, *ib.* 587, 588.

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*PURCHASE OF ESTATES, AND RE-SALE TO TENANTS:*

1. *Scheme of Mr. Vernon for the Purchase of Estates by a Commission with a view to the Re-sale thereof to the Tenants under certain increased Facilities.*
2. *Suggestions as to the Constitution and Working of the proposed Commission.*
3. *Evidence relative generally to the Scheme in Question; Suggestions as to the Facilities to be given.*
4. *Scheme of Purchases, proposed in 1866, with a view to Re-sales to Tenants.*
5. *Suggestions by Mr. Justice Flanagan on the Subject of Purchases and Re-sales.*
6. *Conclusions of the Committee in favour of an organized System of Purchases and Re-sales.*

1. *Scheme of Mr. Vernon for the Purchase of Estates by a Commission with a view to the Re-sale thereof to the Tenants under certain increased Facilities:*

Opinion that in order to create a body of peasant proprietors it is necessary to vest in the State, or in a Commission, the land to be sold, so that Government may deal directly with tenants wishing to purchase, *Vernon* 106, 107. 112 & seq.—Inquiry to be made

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1. *Scheme of Mr. Vernon for the Purchase of Estates by a Commission, &c.—contd.*  
by the Commission, through an agent, as to the price which the tenants will give, the Commissioners offering up to such price in the Landed Estates Court, in competition with the public, and the land going to the highest bidder, *Vernon 112 et seq.*

Favourable position of the Commission for giving the full price on behalf of the tenants; that is, through advance of three-fourths of the purchase-money, *Vernon 113, 116, 118, 138, 150, 161, 219*—Suggestions as to the conveyance of the property to the Commissioners for sale to the tenants, and as to the degree of security against loss, if the tenants subsequently withdrew from their offer to purchase, *ib. 114-120, 220-225, 247, 248, 267-269*—Entire absence of prejudice to the vendor, who should be perfectly free to sell by auction to the highest bidder, *ib. 120-122, 147, 228-232.*

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2. *Suggestions as to the Constitution and Working of the proposed Commission:*

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3. *Evidence relative generally to the Scheme in Question; Suggestions as to the Facilities to be given:*

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3. Evidence relating generally to the Scheme in Question; Suggestions, &c.—cont<sup>d</sup>.

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## 4. Scheme of Purchases proposed in 1868, with a View to Re-sales to Tenants:

Explanations relative to the proposals of an influential committee of gentlemen, in 1868, and the suggestion that Commissioners should buy estates and re-sell to the occupiers, or grant long-term leases in perpetuity; similarity between these proposals and the scheme of Mr. Vernon, *McDonnell* 1548-1573.—Contemplated use for this purpose of the funds of the Irish Church, *ib.* 1548-1553.—Very little attention paid by the Committee of 1868 to the question of loss in carrying out their proposals; the subject of loss upon residue was not considered, *ib.* 1567-1572. 1609-1613. 1631-1635.

## 5. Suggestions by Mr. Justice Finnan on the Subject of Purchases and Re-sales:

Proposal that in the interests of the tenants, some persons should come forward, buy in *glais* from the owner, and then re-sell the property to the tenants in smaller lots; suggestions as to the constitution of the body which should be charged with this duty, *Right Hon. S. W. Finnan* 5161, 5169. 5177-5179. 5191.—Statement that it would not be necessary to set the proposed body in motion, unless it were found that a large proportion of tenants were prepared to purchase, *ib.* 5162.

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Conclusion that whilst leaving to one body the franchises of selling to the best advantage such estates as may be offered for sale, another distinct and equally independent body should be constituted, specially charged with the duty of superintending and facilitating the purchase of their several farms by the occupying tenants, *Rep. iv.*

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**R.**

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*Ben. S. W. Flanagan* 5290-5296, 5383, 5384—Effect of Record of Title in respect of large and of small properties, *ib.* 5294—Invariable rule for solicitors to send to their clients a printed form of request that the title to the estate may not be recorded, when purchased through the Landed Estates Court, *ib.* 5384.

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*Rent-charge.* Suggestion made in the Bill of 1873 that a perpetual rent-charge be substituted for purchase of the fee; great saving of costs thereby, *Urlin* 1839-1845.

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*Rents.* Practical payment of rents upon the estates with which witness is connected; belief that generally rents have been well paid since the time of the famine, *Dalton* 2712-2715, 2727-2731—Tendency of bad harvests to cause change of tenancy, and to lead to a reduction of rents, *Benice Jones* 3093-3105—Practice of witness as to increasing the rents when tenants die, but without changing the family, *ib.* 3203-3204—Frequent instances of the clergy having raised the rents, *O'Brien* 4539-4572.

*Re-sale by Tenant Purchasers.* Conclusion as to tenants not purchasing in the Landed Estates Court with a view to re-sale, *McDonnell* 1448-1450, 1461-1468.

*RESIDUE LANDS:*

1. *Result in the Case of Residue Church Lands; Prices obtained.*
2. *Probable Effect of Mr. Vernon's Scheme as regards Residue Lands.*
3. *Generally as to the Disposal of Residue Lands, and the Prices to be obtained.*

1. *Result in the Case of Residue Church Lands; Prices obtained:*

Information relative to the sale of residue church lands and the prices realised; average of 22½ years' purchases in 1876, the rate in 1877 having been somewhat lower, *O'Brien* 322-325, 502-549—Purchase of 1,606 residue church holdings by the public, the tenants having previously had two offers of the land, *ib.* 322-325—More satisfactory prices obtained for residue lands than might have been expected; small reduction as compared with the prices realised in the Landed Estates Court, *ib.* 509-519, 539-546.

Practice of advertising the residue lands for sale, and of selling *in globe*, if possible, rather than of waiting for higher prices; that is, in view of the pending expiry of the commission, *O'Brien* 533-554, 571-574—Numerous bidders for small residue lots, so that a fair price may be reckoned upon, *ib.* 553-554—Honeycombed character of much of the residue church land; illustration in the case of Drumcong Glebe (Cavan) sold to one purchaser for 4,450 £, *ib.* 805-817—Doubt as to the tenants upon the residues having had their rents raised, *ib.* 4490, 4491.

Statement as regards the ready sale of the residue church lands, that the lots generally sold very cheaply, *Benice Jones* 3121-3130—Conclusion further expressed as to the very low prices realised by the residue church land; that is, in reference to the intrinsic value, *ib.* 3257-3261.

2. *Probable Effect of Mr. Vernon's Scheme as regards Residue Lands:*

Reduced difficulty in dealing with the residue if witness's scheme be adopted, *Vernon* 107-111, 117-119—Further explanation in reference to the advantages of witness's scheme as regards the avoidance of loss in respect of residue lands, *ib.* 117-119, 193-198, 215-219.

Benefit anticipated from Mr. Vernon's scheme, more especially as facilitating the disposal of residues; considerable cost involved, *McDonnell* 1416, 1417—Heavy loss entailed by the residues, if sold as proposed under Mr. Vernon's scheme, *ib.* 1421, 1433-1435.

Examination with further reference to the question of loss in carrying out Mr. Vernon's scheme, more especially in respect of the residue; grounds for the conclusion that the

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2. *Probable Effect of Mr. Vernon's Scheme as regards Residue Lands*—continued. loss would be considerable, *McDonnell* 1567 et seq. 1630-1638—Very little residue likely to be left under Mr. Vernon's scheme, *Dillon* 2634.

Dissent from Mr. Vernon's conclusions as to the absence of loss in respect of residues, *Reeve Jones* 3048, 3049, 3111-3130—Objections further raised as regards Mr. Vernon's scheme, more especially on account of the probable loss in respect of residue lots, *ib.* 3118-3231, 3148-3236—Difficulty as to disposal of the residue under Mr. Vernon's scheme, *Baldwin* 4138-4143.

3. *Generally as to the Disposal of Residue Lands, and the Prices to be obtained:*

Little, if any, loss upon residue plots, if sufficient time were given for their sale, *O'Brien* 698—Absence of difficulty on the score of residues if the State were to advance purchase money to tenants on a large and comprehensive scale, *ib.* 697, 698—Full and fair price expected for the residue lands if not forced upon the markets hurriedly, *ib.* 815-822.

Obstacle to any public body dealing in the most profitable manner with residues, especially if they press them on the market, *McDonnell* 1469-1470—Expediency of so arranging each estate for sale that no prejudice shall accrue to the landlord in respect of the residue, *Sir W. H. Gregory* 2002-2004—Inexpediency of the sale of residues to small owners, *Henderson* 2138-2140.

Fear on the part of vendors that the residue or unsold lots would be greatly depreciated in value; suggestion on this score, *Urlin* 2816, 2817, 2881, 2974-2977—Expediency of some means of assuring the owner that he will not suffer on the whole in respect of the residue unsold, *ib.* 2904-2906, 2974-2977.

Great difficulty anticipated in respect of the residues, *Truill* 4599—Further reference to the difficulty as regards residues; mitigation of this difficulty under the proposed system of twenty-one years' leases, *ib.* 4694-4700, 4758-4761.

Circumstances under which the sale of certain lots would result in loss to the owners by having residues left on their hands unsold, *Right Hon. E. W. Flanagan* 5141-5145—Strong objection which owners would have to any condition being imposed by which their properties would be broken up in such a way that the tenants should have opportunities of buying certain lots only; with such a condition, owners would obtain declarations of title, and sell outside the court, *ib.* 5155-5160—Opinion that in dealing with the residues, the difficulty would not be in selling them, so much as in protecting the tenants of the residues from the system of small landlords in Ireland, *ib.* 5162-5167.

See also *Lot*.

*Rights of Common.* Rare instances of rights of common in Ireland, *Flanagan* 5578. See also *Easements, &c.*

*Rights of Way.* See *Easements, &c.*

*Rules (Act of 1879).* Preparation by witness, in communication with the Attorney General, in 1870, of a set of rules and forms under Part II. of the Irish Land Act, *Urlin* 2789-2794, 2801—Submission of these rules and forms to the Privy Council, the rules having been much altered for the worse, *ib.* 2795, 2796.

*Rundale.* Strong disapproval of the system of Rundale; suggestions for its correction as by "stripping," *Baldwin* 4332-4336.

Increased difficulties in letting, where the tenants hold their farms in Rundale, *Rep. iv*—Suggestion by the Committee in reference to sales of land in Rundale, *ib. v.*

*Russia.* Great difficulty of any comparison between the state of Ireland or England, and that of Russia in reference to the question of peasant proprietors; that is, on account of the great change involved in the emancipation of the serfs, *Sir F. Haggate* 1000-1003—Extent to which the creation of a class of peasant proprietors can be said to have been tried in Russia, *Reeve Jones* 3275-3278.

## S.

*St. George's Estate (Galway).* Statement relative to the sale of the St. George's Estate, showing the number of tenants on each lot, the acreage, and the net yearly rental; also the names of the purchasers, *App.* 347.

*Sales.* See *Board of Works.* *Landed Estates Court.* *Loans to Tenants.* *Residue Lands.* *Small Proprietors.* *Tenants.*

*Security of Tenure.* See *Fixity of Tenure.* *Leases, &c.* *Tenant Right.*

**Settlements.** Approval not only of better facilities for the sale and transfer of land, but of some modification as to the stringency of the laws of settlement, *Sir F. Heygate* 1566-1573—Approval of a modification of the law of settlements, and of the abolition of entails and primogeniture; immense effect in cheapening the transfer of land, *McDonnell* 1377-1383—Reasons for the conclusion that the fee-simple owner should not be allowed to charge the land with settlements, *ib.* 1481-1488.

Argument that in later years the main cause of difficulty in creating small proprietors has been the fact that the land in Ireland has been almost wholly entailed; large bulk of the property under settlement, *O'Hagan* 2323-2325, 2327—Limited obstacle to sales through the system of settlement, *Uria* 2937, 2938.

**Size of Holdings.** Beneficial result if there were a more numerous class of farmers, with moderate-sized farms of from thirty to fifty acres, *Sir F. Heygate* 830-832—Statement showing that nearly three-fifths of the farms in Ireland are under fifteen acres, a being a dangerous operation to convert so many tenants into owners, *ib.* 840-844—Opinion that the limit should be fixed at not less than thirty acres, *ib.* 856-859.

Total of about 51,000 tenants in Ireland holding under one acre, and of 69,000 holding under five acres, the former being lakourers, and the latter partly so, *Sir F. Heygate* 1141-1144—Satisfactory results in cases where men farm from thirty to fifty acres, some labour being employed, *ib.* 1156-1160.

Very large average size of the holdings sold to tenants by the Landed Estates Court, as compared with those sold by the Church Commissioners, *McDonnell* 1404, 1405—Doubt as to there being much alteration since 1861, in the relative proportion of the different classes of holdings, *Greene* 3500—Average of about thirty acres as the size of the holdings throughout Ireland, *Baldwin* 4064.

Number of holdings in 1865, classified according to the total extent of land held by each person, and the entire extent of land under each class of landholders, *App.* 325—Size and number of holdings in 1865 as compared with 1841, *ib.*

Returns dated March 1867, showing the number of agricultural holdings in each county, together with the area and valuation of each county, and the population according to the census of 1861, *App.* 326.

Classification as to area of the holdings sold to tenant purchasers in the Landed Estates Court in 1877, *App.* 345.

Classification of the area of the holdings bought by tenants in the Landed Estates Court from 1870 to 1877, *Rep.* iii.

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## SMALL PROPRIETORS:

1. *Very limited Number of small Proprietors in Ireland.*
2. *Evidence favourable generally to a large Increase of small Owners.*
3. *Question of applying a Limit as to Acreage or Valuation in the creation of Tenant Proprietors by means of State Aid.*
4. *Exceptions taken to the Creation of a Class of Peasant Proprietors.*
5. *Conclusions of the Committee favourable to a considerable Increase of small Owners.*

### 1. *Very limited Number of small Proprietors in Ireland:*

Very few small proprietors in Ireland; several causes to which attributable, *Vernon* 9-14—Several causes of the very much smaller number of small owners in Ireland than in England, *Sir F. Heygate* 1257-1265—Explanation of the causes of there being so limited a number of small proprietors in Ireland; statement hereon that equality of rights of property were conceded to the Roman Catholics of Ireland in the year 1784, *O'Hagan* 2319-2325, 2476-2486, 2497-2503—Very rare instances of small holdings being sold in the same under the Acts of 1869 and 1870, *Vernon* 3997-4000—Comparatively few small owners in Ireland, *Baldwin* 4063.

### 2. *Evidence favourable generally to large Increase of small Owners:*

Advocacy of facilities for the creation of a class of tenant proprietors and small owners, *Vernon* 137-147, 199-208—Belief that the creation of a class of peasant proprietors in Ireland would be a wide and conservative policy, *O'Brien* 710-715, 718, 719; *Sir W. H. Gregory* 1942, 1948, 1949, 2012-2016, 2070-2073; *O'Hagan* 2476-2478, 2497-2503; *Uria* 2894, 2943.

Conviction of wisdom that it is most politic and expedient to encourage purchase of the fee by small tenants; views of the late Bishop of Lichfield to this effect, *Dutton* 2589-2594, 2608-2613, 2758-2768, 2771-2781—Decided approval of a gradual increase in the number of small owners of land in Ireland, witness strongly objecting, however, to any unnatural stimulation of small ownerships by Government, or to a

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## 2. Evidence favourable generally to large Increase of small Owners—continued.

numerous class of peasant proprietors without capital, *Beuce Jones* 3011-3053, 3058 et seq. 3058-3073, 3164, 3170, 3171, 3208-3246.

Very beneficial result, politically, if there were a class of small owners, *Duggan* 3775-3777, 3789-3797, 3806, 3867, 3875, 3876, 3935-3941.—Evidence in support of the conclusion that the creation of a considerable number of small owners in Ireland is exceedingly desirable on several grounds, and especially so in the interest of the State, *Baldwin* 4089 et seq.—Explanation that witness is not in favour of small holdings, but as they already exist, he is anxious to make the best of them, *ib.* 4164, 4169, 4329-4331.—Tendency of the creation of peasant proprietors to make the people contented and happy, *ib.* 4256.—Great gain to the State by any measure which will have the effect of making the smaller occupiers more industrious, as by their conversion into proprietors, *ib.* 4268-4275.—Desirability of many of the occupiers of small holdings in Ireland being owners rather than tenants, *ib.* 5303-5305.

## 3. Question of applying a Limit as to Arreage or Valuation in the Creation of Tenant Proprietors by means of State Aid.

Approval of a reasonable limit to the size of the holdings which may be purchased by the tenants with aid from the State, *Vernon* 243-245.—Defence of the system of subdivision, witness submitting that purchases by small tenants should not be discouraged, *O'Brien* 555-564.—Greater importance of encouragement to small than to large holders to become owners, *ib.* 710-715, 718, 719, 795-799.—Exception taken to the proposal for limiting public advances to holdings above a certain size, *ib.* 716-798.

Explanation that witness does not dread a moderate increase in the class of small owners, but suggests that aid should not be given to holders of less than a certain acreage, *Sir F. Heygate* 878, 880, 886-891, 896-899.—Removal, to a great extent, of witness' objection to Mr. Vernon's scheme if it were not applied to farms of less annual value than 25 L or 30 L, *ib.* 1091-1093.—Expediency of leaving the question of large or small farms to natural laws, and to the effect of good or bad harvests, *ib.* 1109, 1307, 1308.—Approval of an increased number of owners but not below a certain class, or below such a quantity of land as could be profitably worked with a pair of horses and with the labour of the family, *ib.* 1235, 1256, 1273-1277.

Ground for complaint if a limit be drawn below which tenants of very small holdings should not be entitled to an advance from the State; great difficulty in drawing any line, *Sir F. Heygate* 1216-1234.

Opinion that every tenant, however small, should have facilities for purchasing provided he was solvent, and that he should portion of the purchase money, *Mr. Donnell* 1410-1413, 1545-1547.—Suggestion that loans should not be granted where the holding is less than ten or twelve acres, *Stack* 1895-1897.—Evidence to the effect that it is not desirable to encourage the purchase of very small holdings, or of holdings where the rent is only 10 L or 12 L a year, *Sir W. H. Gregory* 1966-1987, 2032-2035.—Great difficulty in applying a limit as to the acreage or rental below which tenants should not be aided by the State; probability of the smaller holdings being bought up by the larger tenants, *ib.* 2074-2077, 2087-2089.

Opinion that equal facilities should be given to small as to large tenants to purchase their holdings, *Handerson* 2095-2097.—Statement that the Bright clauses of the Land Act were introduced for the benefit of the poor tenantry rather than for the rich, *ib.* 2109, 2200.—Necessity of obtaining absolute security against loss to the State when advances are made for the purchase of holdings below twenty acres in extent, *ib.* 2221-2232.

Importance attached to holdings, even as small as an acre and a-half, by the poorer classes in Ireland, *O'Hagan* 2374-2377.—Inexpediency of any limit in the substitution of tenant proprietors for the existing landlords; argument that the change should be subject only to natural laws, *ib.* 2411-2420.

Evidence as to the wisdom of the policy of creating a class of peasant proprietors, and as to the extent to which witness would like to see such policy carried into effect, *Dalton* 2539-2594, 2608-2613, 2758-2766, 2771-2781.—Inexpediency of any minimum below which small purchases should not be encouraged, *ib.* 2608-2613, 2781.—Objection to a condition that advances should be made by the State only where the purchase in fee could keep a team, *ib.* 2630, 2631.—Disapproval of any limit as to the size of the holding to be bought by the tenant, *Beuce Jones* 3059.

Inexpediency of aiding tenants holding not more than five acres to purchase their holdings, whilst on the other hand assistance might be given to tenants paying a rent of 20 L, *Greene* 3293-3294, 3328-3331, 3419-3435, 3463-3479.—Witness further submits that, save in exceptional cases, it would not be wise to make advances to holders of less than twenty acres; great difficulty in drawing a line, as solvent tenants with small holdings should not be excluded, *ib.* 3419-3422, 3465-3469, 3493-3481.—Exclusion

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## 3. Questions of applying a Limit as to Acreage or Valuation—continued.

sion of five-sixths of the tenants from Government aid towards purchase of their holdings if the line were drawn at those paying less than 20*l.* a year, *Greene* 3495-3497.

Explanation that witness sees great obstacles to any limitation in regard to size as a condition of State aid, *Ferns* 4012.—Objection to any limit as to acreage in connection with an extended system of State advances to tenants; any limit should be on the score of rental or valuation, *Baldwin* 4112-4116.—Approval of a class of tenant proprietors if solvent and if the holdings are not too small; as a rule it is not desirable to create owners of less than twenty acres, *Trail* 4599-4600.—Difficulty in drawing a line as to acreage below which tenants should not be aided in making purchases; expediency of excluding, as a rule, holders below ten acres as not being sufficiently solvent, *ib.* 4652-4650. 4768-4773.

Objection to any limit as to acreage below which tenants should not receive advances; if a line be drawn it should be at a rental of about 20*l.* a year, *Heany* 4911-4913. 4919. 4954-4956.—Opinion that there is no necessity for any limit as to acreage below which purchasers should not be assisted, *Harris* 5900.

Approval of increasing the number of substantial and solvent proprietors in Ireland, without drawing any line as regards value or acreage between those tenants to whom the Treasury should or should not make advances, *Right Hon. S. W. Flanagan* 3391-3397.

## 4. Exceptions taken to the Creation of a Class of Peasant Proprietors:

Neglect of public duties by small holders; measures desirable on this score, as in France, if a large class of peasant proprietors be created, *Sir F. Heggate* 881. 885. 892-895.—Explanation that witness had no prejudice against the scheme of the Land Act for rising tenant purchasers, though he would regret any very large increase of minute owners, *ib.* 940-942.—Exceptional character of the proposed legislation as regards State aid to small tenants; difficulty in drawing the line at which such aid should stop, *ib.* 976-979.

Difficulty as to the performance of local social duties if the larger owners and their agents were superseded by small proprietors, *Sir F. Heggate* 1018, 1019. 1023-1030.—Explanation that witness would gladly see continued the present number of tenants of from five to fifteen acres, if they could pay their way, but considers a large increase of this class a source of great weakness, *ib.* 1042-1063. 1108.—Frequent absorption of small farmers in the north when there are bad harvests, *ib.* 1043.—Non-objection to a class of small owners, if they become proprietors without being artificially created by State aid, *ib.* 1109. 1307. 1308.

Explanation in connection with an official report to Lord Mayo in 1868 upon the condition of small commoners and perpetuity leaseholders in different counties in Ireland, and upon the condition of their holdings; this report read, the conclusions arrived at being exceedingly unfavourable as regards these holdings and small owners, *Greene* 3394-3398. 3481-3494.—Statement as to the holders of from five to ten acres being, as a rule, without any capital to justify their conversion into proprietors; probability of their failure in course of time to pay the annual instalments of purchase money, *ib.* 3402-3409. 3422. 3456-3459. 3463-3479.—Respects in which the small owners or squatters condemned in the report to Lord Mayo are not a fair sample of small ownerships in regard to the question of improvements on the land, *ib.* 3480-3494.

Strong objection to a class of peasant proprietors, as leading not only to pauperism but to constant family feuds, *Olpherts* 3519.—Argument that it is much better for small tenants in the north to continue as tenants, in the possession of tenant-right, than to become owners without capital, and without a landlord at their back to protect and to advise them, *ib.* 3554-3588. 3596-3613. 3619-3628. 3645-3657. 3660-3691.—Dissent from the view that a class of peasant proprietors would operate as a support to the Constitution, *ib.* 3649-3646.

## 5. Conclusions of the Committee favourable to a considerable Increase of small Owners:

Belief expressed by the Committee that a substantial increase in the number of small proprietors would give stability to the social system, and would tend to spread contentment, and promote industry and thrift amongst the Irish peasantry, *ib.*

See also Agriculture. Belgium. Capital. Church Lands. Costs.  
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South of Ireland. Great obstacle to successful farming in the south of Ireland owing to the climate being unsuitable to tillage, *Benue Jover* 3146, 3147. 3154. 3166. 3166-3169  
949. 362. —Very

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*South of Ireland—continued.*

—Very little change of tenancy in recent years among small holders in the south of Ireland, *See Jones* 3201, 3202.

*Southwell Estate.* Instance in the case of the Southwell Estate of witness having advised the acceptance of the upset price offered by the tenants, though there was a residue not bid for, *McDonnell* 1258-1261.

*Stock, Robert S. (Analysis of his Evidence.)*—Considerable experience of witness as Chief Clerk of the division of the Board of Works in which the business of the Bright classes of the Land Act is transacted, 1652-1655—Anxiety evinced by the tenants to purchase their holdings, 1655, 1656—Disappointment of many tenants on being informed that only two-thirds instead of three-fourths of the purchase money could be obtained from the Board of Works; grounds upon which they calculated upon an advance of three-fourths, 1657-1663.

Frequent difficulty as to purchases by tenants on account of the existence of sub-tenancies at the time they apply for loans, 1664-1669—Details on the foregoing point, witness showing that applications for loans are necessarily refused in these cases, as the Landed Estates Court will not grant a charging order, unless where sub-tenancies are covered by Sub-section 4 of the Act of 1871; 1664-1669—Difference of opinion on the question between Judge Flanagan on the one hand, and the Treasury, Board of Works, and Irish Government on the other, 1672-1687.

Instances of loans having been granted after tenants had relieved themselves of the difficulty of sub-tenancy, 1690-1692—Opinions obtained adverse to the validity of a charging order confined to the portions of the land not sub-let, 1693, 1694.

[Second Examination.]—Further explanation that the Landed Estates Court do not make charging orders where any portion of a holding is sub-let, save where the sub-tenancy comes within the definition of the Act of 1871; 1695-1701.

Rule laid down by the Treasury in April 1871 that twenty-four years' purchase of the tenement valuation be the basis of advances by the Board of Works, and that the Board should advance two-thirds, or sixteen years' purchase, 1702-1706—The tenement valuation is about twenty-five per cent. below the real value, 1706—Considerable dissatisfaction of tenants with the rule of April 1871, restricting advances to two-thirds on the basis of the tenement valuation, 1707-1717.

Application by the Board of Works to the Treasury in July 1871, which resulted in the latter authorising the advances being increased to eighteen years' purchase, the tenement valuation being taken at twenty-seven years' purchase, 1719, 1726-1728—Subsequent practice of the Board to advance at the rate of twenty years' purchase of the valuation, without specific authority from the Treasury to that effect; Treasury letter on the subject in October 1871; 1729-1735.

Authority from the Treasury in letter of October 1871 to refer cases to the Commissioner of Valuation when applicants for loans are dissatisfied with the basis of the tenement valuation; practice consequent upon this instruction, 1735-1769—Expense to the applicant when a special valuation is resorted to; apprehension, moreover, of an increase of taxation, so that tenants waiting to purchase are largely deterred from applying for special valuations, 1740-1746, 1755-1768.

Late period of the proceedings at which the tenants usually come to the office of the Board of Works to make inquiries, 1748, 1747—Grounds for the conclusion that the upset price fixed upon in the Landed Estates Court may fairly be taken as the basis for advances, 1748-1751—Great inequality of the tenement valuation; its unfairness as the basis for loans, 1751-1754.

Considerable dissatisfaction of tenants with the restriction upon mortgages and upon alienation; deterrent effect upon intending purchasers, 1770, 1771, 1791-1798—Special dissatisfaction with the proviso that the holding is subject to forfeiture if a will be made by the purchaser without the Board's consent; communication between the Board and the Treasury on this point in August 1877; 1771-1798—Explanation of the final decision in Kelly's case, forfeiture not having been enforced through Kelly having made a will in which he divided his holding between two sons, 1799-1801—Care now taken to circulate the latter part of the forty-fifth section of the Land Act, in reference to the question of wills, 1801-1807.

Explanation as to the inoperativeness of Clause 47 of the Act enabling advances to be made to other than tenants where four-fifths of the tenants have combined to purchase their holdings, 1808-1811—Frequent correspondence of the Board of Works with the Treasury, but not with the Irish Government, relative to the difficulties in the working of the Act, 1812-1824.

Bar to advances where the tenants' holdings are not put up in separate lots; statement as to witness' Board not having taken action with the Landed Estates Court on this



*Stock, Robert S. (Analysis of his Evidence)—continued.*

this point, 1825-1834—Constant difficulty on the part of tenants on account of the uncertainty as to the amount of costs; inability of witnesses to give them any information on this point, 1835-1839—Suggestion that the State might undertake the cost of tresser, charging a per-centage fee to tenant purchasers; the solicitor for the purpose should be attached to the Landed Estates Court rather than to the Board of Works, 1840-1848, 1855, 1906-1911.

Deterrent effect of the several difficulties under the Act upon a considerable number of tenants, 1849—Opinion that three-fourths of the upset price might be advanced, 1850, 1851—Approval of existing sub-tenancies being permitted to the extent of one-tenth of the holding, though the restriction on future sub-letting should be maintained, 1852-1854, 1891-1893, 1898-1900—Expediency of the restriction as to divisions of holdings by will being relaxed in the case of holdings above a certain size, 1858, 1894-1897—Discretion desirable in the Board of Works as to permitting subsequent mortgage, 1857.

Suggestions for supplying the tenants on any estate about to be sold with full information on the spot; that is, by means of an officer sent to the locality by the Landed Estates Court, 1858-1860, 1869-1877—Explanation as to the Board of Works not having incurred the expense involved in certain increased facilities to tenants, 1861-1865—Difficultly, through twenty years' purchase of the valuation frequently not amounting to two-thirds of the purchase money; doeses also of tenants for an advance of three-fourths, 1866-1868.

Grounds for objecting to an officer of the Board of Works not only supplying information on the spot to the tenants, but attending on their behalf at the settlement of the rental before the Examiner of the Landed Estates Court, 1869-1890—Opinion that loans should not be granted where the holding is less than ten or twelve acres, 1895-1897—Approval of a fixed rule prohibiting sub-letting after an advance is made, 1901, 1902—Expediency of the Board of Works acting generally under fixed rules, instead of being entrusted with discretionary powers, 1902-1905.

Inability of the solicitor to the Board attending the sales at the Landed Estates Court, 1906-1909—Greater facility with which tenant purchasers could borrow one-fourth than one-third of the purchase money, 1912-1914—Great regularity in the payment of instalments, only two borrowers being in arrear, 1915-1917—Power to redeem the annuity at any time, 1918—Permission given to tenant purchasers to assign their holdings under certain conditions, 1918, 1919.

*Stock. Mischievous effects anticipated when Church tenants have sold their stock in order to buy their holdings, Balfein 4118, 4119—Great mischief in a former paring with his stock in order to raise money towards the purchase of his holding, ib. 4117-4201, 4231, 4280-4282—Very few small tenants who let out horses for hire, ib. 4249-4251.*

*Stripping. Great advantage by "stripping" the properties when they have been much subdivided, Dalton 2659-2663.*

*Stuart, Mrs. Particulars relative to the case of Mrs. Stuart, of Ballyhivestock (Antrim), as illustrating the difficulties and expense in obtaining loans from the Board of Works, Traill 4587-4594, 4646-4651, 4715.*

#### SUB-DIVISION:

1. *Mischievous Sub-division apprehended under an extended System of Sales to Tenants.*
2. *Disent from the foregoing Conclusion.*
3. *Expediency of prohibiting Sub-division during Repayment of Public Advances.*
4. *Suggestions by Mr. Justice Flanagan as to the Limitations desirable.*

#### 1. *Mischievous Sub-division apprehended under an extended System of Sales to Tenants:*

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3. *Number of Tenant Purchasers under the Land Act, and Amount of Purchase-money.*
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